RECLAMATION

Managing Water in the West

Draft Environmental Assessment

San Justo Reservoir Access Road Repair Project

EA-10-22

U.S. Department of the Interior
Bureau of Reclamation

May 2010

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Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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Acronyms

APE	Area of potential effect
ARB	California Air Resources Board
CDFG	California Department of Fish and Game
CCRWQCB	Central Coast Regional Water Quality Control Board
CFR	Code of Federal Regulations
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CH_4	Methane
CO	Carbon monoxide
CO_2	Carbon dioxide
CO_{2e}	Carbon dioxide equivalent
CRLF	California Red-Legged Frog
CTS	California Tiger Salamander
CWA	Clean Water Act
CVP	Central Valley Project
EA	Environmental Assessment
EPA	U.S. Environmental Protection Agency
EPM	Environmental Protection Measures
ESA	Endangered Species Act
ESU	Evolutionary Significant Unit
FWCA	Fish and Wildlife Coordination Act
GHG	Greenhouse Gases
IPCC	Intergovernmental Panel on Climate Change
ITA	Indian Trust Asset
MBUAPCD	Monterey Bay Unified Air Pollution Control District
MUTCD	Manual on Uniform Traffic Control Devices
NAAQS	National Ambient Air Quality Standards
NCCAB	North Central Coast Air Basin
NEPA	National Environmental Policy Act of 1969
NHPA	National Historic Preservation Act
NO_x	Nitrogen Oxides
N_2O	Nitrous oxide
NRHP	National Register of Historic Places
PM	Particulate Matter
PSD	Prevention of Significant Deterioration
Reclamation	U.S. Bureau of Reclamation
Reservoir	San Justo Reservoir
RWQCB	Regional Water Quality Control Board
SBCWD	San Benito County Water District
Service	U.S. Fish and Wildlife Service
SHPO	State Historic Preservation Office
SIP	State Implementation Plan
SJKF	San Joaquin Kit Fox
SWRCB	State Water Resources Control Board
SWPPP	Storm Water Pollution Prevention Plan
tpy	Tons per year
URBEMIS	Urban Emissions
U.S.C.	United States Code
USGS	United States Geological Survey
VOC	Volatile Organic Compounds

1.0 PURPOSE OF AND NEED FOR ACTION

1.1 BACKGROUND

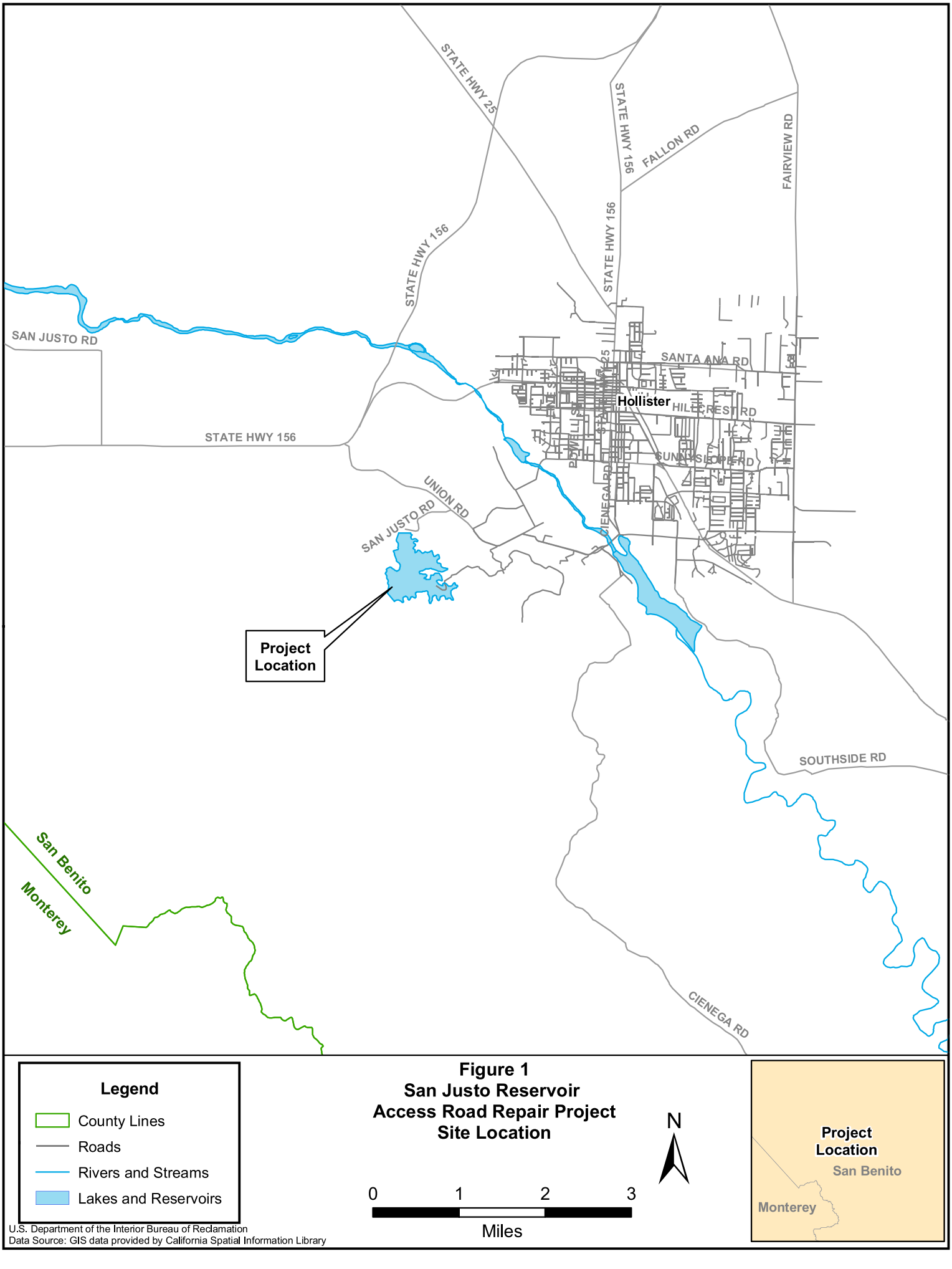
The San Justo Reservoir (Reservoir), owned by the U.S. Bureau of Reclamation (Reclamation), is operated by San Benito County Water District (SBCWD) to provide agricultural, municipal, and industrial water to its customers in San Benito County. The Reservoir, part of California's Central Valley Project-San Felipe Division, is an off-stream storage Reservoir comprised of a dam and dike embankment, an inlet/outlet works, and an emergency spillway. The Reservoir is located about 2 miles southwest of Hollister (Figures 1 and 2). The water surface in the Reservoir spans about 115 acres at full capacity and has an active storage capacity of 12,071,000 cubic meters (9,786 acre feet) at an elevation of about 500 feet above mean sea level. Water in the Reservoir is supplied from the San Luis Reservoir. The Reservoir and its associated features were constructed between 1985 and 1986. In addition to storage, the Reservoir has provided for limited recreation, although the Reservoir has been closed to public recreation since the discovery of the invasive zebra mussel (*Dreissena polymorpha*) in January 2008. Plans for dealing with the mussel infestation are being developed by Reclamation and SBCWD, in cooperation with the California Department of Fish and Game (CDFG), and will be analyzed in separate environmental documentation when more fully developed.

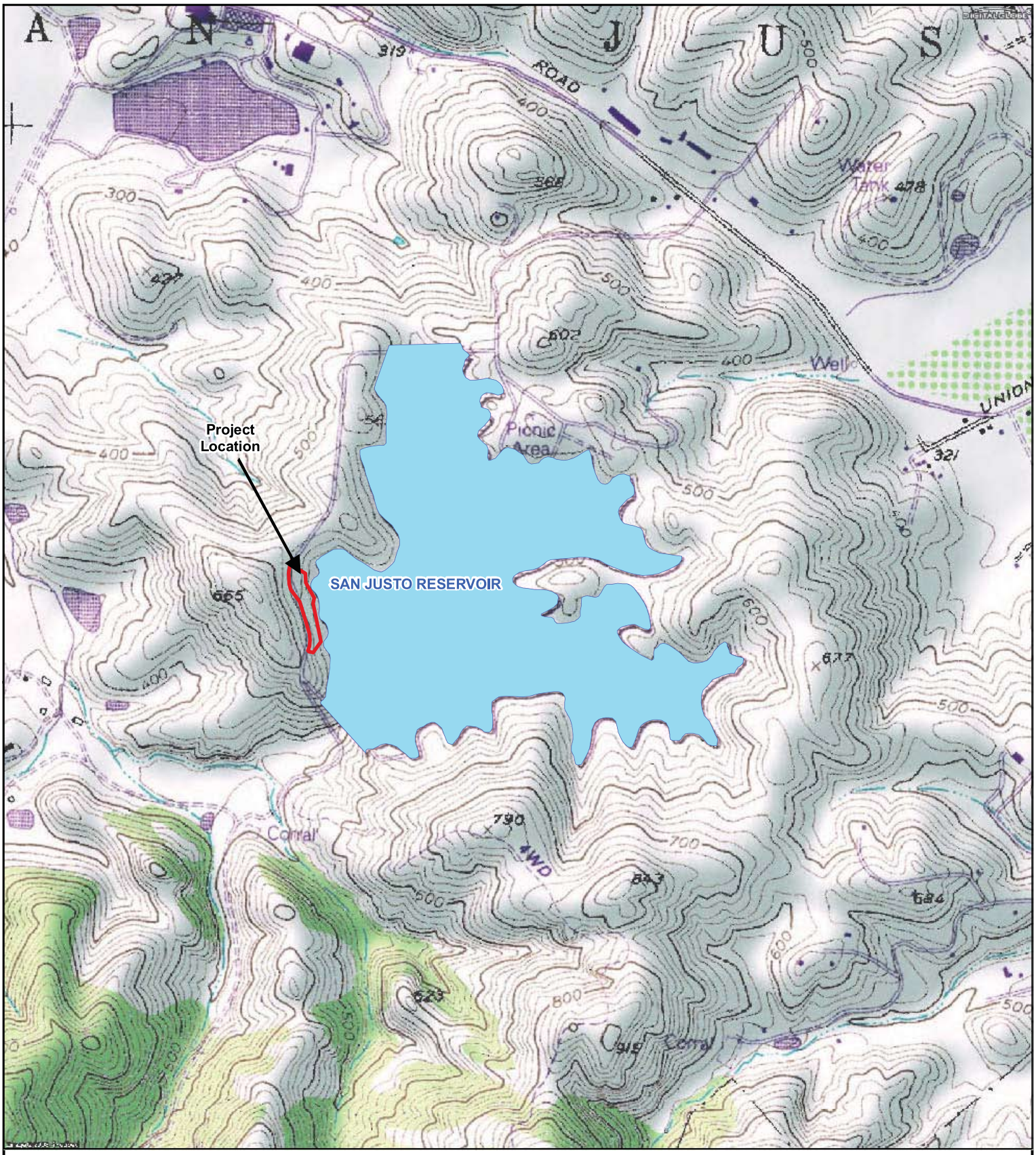
Land surrounding the Reservoir is owned by Reclamation, with private holdings in the surrounding areas. Soils in the vicinity of the Reservoir have complex stratification and can be unstable, sometimes slumping and permitting seepage loss from the Reservoir. Consequently, the dam and dike facilities and land surrounding the Reservoir is heavily monitored under a safety of dams program.

An asphalt paved access road extends from Union Road (a San Benito County-maintained Road) to the Reservoir, and provides for year-round access to the dike, dam, and facilities (Figure 3). This road becomes earthen at the western edge of Reclamation lands below the dam. This roadway is accessed primarily by Reclamation and SBCWD personnel, with limited access allowed for the public and service vehicles to access private lands southwest of the Reservoir. Cracking and slumping of the road providing access to the dam at San Justo Reservoir began after the winter of 2003. In September 2004, SBCWD filled the worst of the cracks with sand and capped them with a bentonite mix over the top two inches. Since 2004, the condition of the road has worsened considerably. An emergency repair of approximately 680 feet of the roadway was conducted in 2006. The emergency repair work improved surface drainage and shifted the damaged roadway westward. However, cracks in the pavement that were filled with sand and bentonite are continuing to spread. The shoulder of the road is slumping, which contributes to cracking along lengths of the road edge and has created concern for maintaining the roadway in operable condition.

1.2 PURPOSE AND NEED

Reclamation and SBCWD personnel use the access road to maintain and monitor the San Justo Reservoir Dam. Cracks and slumping in the roadway near the dam need to be repaired to maintain accessibility to the dam and to ensure emergency access is available. An inspection of the roadway was performed by Reclamation engineers in November 2009, and the most reasonable approach for repair is being proposed.


STATE HWY 25
STATE HWY 156
FALLON RD
FAIRVIEW RD
STATE HWY 156
STATE HWY 156
SAN JUSTO RD
SANTA ANA RD
Hollister
HILLCREST RD
SUNNYSLOPE RD
STATE HWY 156
UNION RD
SAN JUSTO RD
CIENEGA RD
Project Location
SOUTHSIDE RD
San Benito
Monterey
CIENEGA RD
Legend
County Lines
Roads
Rivers and Streams
Lakes and Reservoirs
Figure 1
San Justo Reservoir
Access Road Repair Project
Site Location
N
0
1
2
3
Miles
Project Location
San Benito
Monterey
U.S. Department of the Interior Bureau of Reclamation
Data Source: GIS data provided by California Spatial Information Library



Legend

- Project Boundary
- Roads
- Lakes and Reservoirs

Figure 2
San Justo Reservoir
Access Road Repair Project
Topographic Map

N

0 1,200 2,400 3,600
Feet

San Benito
Project Location
Monterey

U.S. Department of the Interior Bureau of Reclamation
Data Source: Topographic map provided by Digital Globe courtesy of USGS

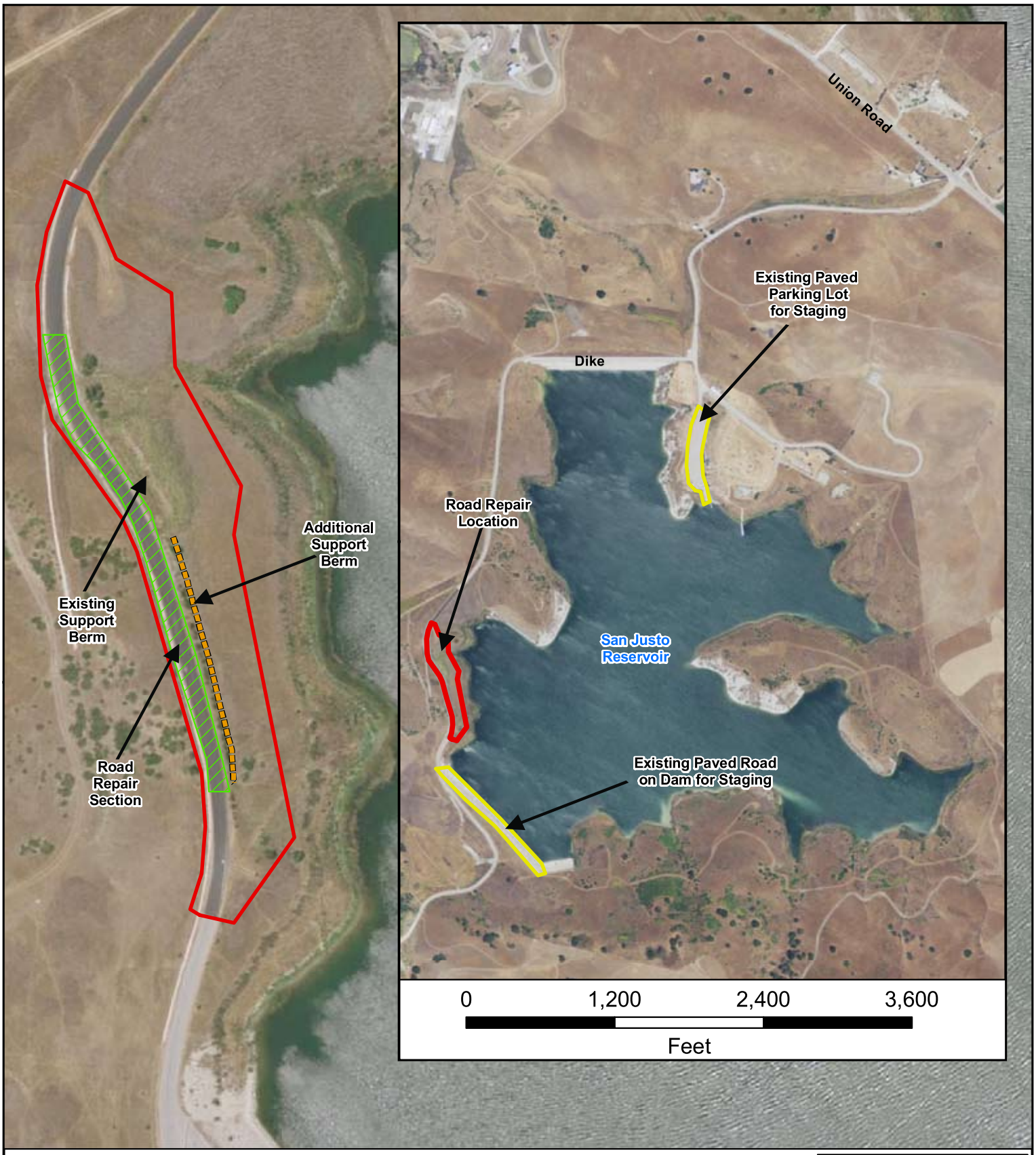


Figure 3
San Justo Reservoir
Access Road Repair Project
Project Components

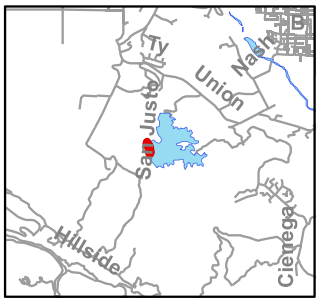
Legend

Project Boundary

N

0 150 300 450

Feet



U.S. Department of the Interior Bureau of Reclamation
Data Source: Aerial image provided by Digital Globe 6-1-2009

1.3 SCOPE

In accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), as amended, Reclamation has prepared this Environmental Assessment (EA) which analyzes the repair of a damaged section of the San Justo Reservoir access road. The Proposed Action involves constructing a berm along a portion of the roadway and repairing and resurfacing the roadway.

Figures 2 and 3 show the Proposed Action area analyzed in this EA that includes the area of potential ground disturbance and staging areas. The land area required to extend and shore up the existing berm adjacent to the roadway and the land immediately adjacent to the roadway are included in the Proposed Action area and up to 1.9 acre could be disturbed. A commercial source of fill is located approximately 5.5 miles away and fill could be imported by truck via State Highway 156 and Union Road. Asphalt that is removed would be left on site to reuse during road resurfacing and excess asphalt would be hauled by truck to a re-processor or appropriate waste facility off site. The roadbed would be repaired and resurfaced following berm construction.

This EA was also prepared to analyze the potential impacts of the No Action Alternative.

1.4 POTENTIAL ISSUES

Noise would not be expected to impact sensitive receptors because the nearest residences are about 0.4 mile south of the San Justo Reservoir. Aesthetics, agricultural resources, hazardous materials and waste, energy, geology/soils/topography, land use, recreation, and mineral resources would also not be expected to be impacted by the Proposed Action.

The potentially affected resources from the Proposed Action include:

Hydrology and Water Quality
Air Quality
Climate Change
Biological Resources
Traffic
Cultural Resources
Indian Trust Assets
Socioeconomic Resources
Environmental Justice

2.0 ALTERNATIVES INCLUDING THE PROPOSED ACTION

This EA considers two alternatives: the No Action Alternative and the Proposed Action. The No Action Alternative reflects current conditions and projected future conditions without the Proposed Action. It serves as a basis of comparison for determining potential effects to the environment that would result from implementation of the Proposed Action.

2.1 NO ACTION

Under the No Action Alternative, Reclamation would not repair the San Justo Reservoir access road. Should slumping and cracking continue to spread, the road would become inaccessible. Maintenance crews would not be able to access the dam and land surrounding the Reservoir. Private residents would not have access to their properties southwest of the dam.

2.2 PROPOSED ACTION

The Proposed Action involves repair of damaged roadway on the west side of San Justo Reservoir, west of Hollister, California, in San Benito County. Repairs would be made between June and the end of October, 2011. The Proposed Action site where repairs would be conducted covers approximately 2.5 acres, of which approximately 0.6 acre is paved roadway and 1.9 acres is vegetated land. Several tasks need to be completed to repair the damaged section of road that provides critical access to the dam at San Justo Reservoir and is used both by Reclamation and San Benito County Water District (SBCWD) personnel for maintenance and monitoring activities. The road to be repaired extends approximately 710 feet, from STA 7+90 to STA 10+5 (shown in Appendix A with measurements presented in meters). The repairs would include:

- Repairing cracks in the asphalt by sealing with an asphalt emulsion sand slurry mix or by completely removing and patching severely cracked areas. The exact lengths of cracks and patch repair areas are to be outlined in the field for the Contractor. Best estimates suggest that approximately 1,320 feet of cracks would be sealed and approximately 215 square feet of asphalt would be cut out and replaced.

- Paving fabric would be laid over the section of the road that has experienced the greatest amount of cracking (STA 7+90 through 10+05) and the fabric would be paved over with a 2-inch asphalt concrete overlay. The thicker pavement repair section would taper into the existing pavement over 33 feet (0.5%), the fabric would extend for half of this distance.

- Constructing an earthen berm at the toe of the road fill to flatten the slope of the fill. The berm would extend between STA 8+80 and 10+05 and would require about 2,615 cubic yards of fill to be imported from an offsite borrow source. This fill would likely come from a commercial source located approximately 5.5 miles northeast of the Proposed Action area, near the Hollister airport. The existing slope would be cleared of vegetation. The newly placed fill would be keyed into the native soil and then placed in horizontal layers. The vertical extents of the berm would rise to the top of the embankment resulting in a two-meter widening of the road shoulder. An existing berm was placed in the same manner during 2005 improvements. The existing berm lies approximately between STA 8+40 through 8+80.

- Removing a small strip of asphalt pavement along the edge of the existing roadway, outside of an asphalt curb approximately between STA 7+90 through STA 8+20. The pavement would be removed back approximately 4 feet from the edge of the road, leaving a minimum travel width of 18 feet. This action would remove excess cracked pavement and minimize the extent of roadway coverage.

- Reconstructing the existing asphalt curb along the edge of pavement spanning between STA 8+20 through 10+05. The new asphalt curb would start at the beginning of the narrowed section at STA 7+90.

Heavy equipment would support the construction work and hauling of materials. To reach suppliers, trucks would travel north along Business 156 (San Felipe Road) for 1.5 miles and then turn left at the stop sign onto State Highway 156. Trucks would travel 6 miles passing through the intersections of Highway 25 and 4th Street to Union Road, turn left onto Union Road for 1.6 miles, and right onto the San Justo Reservoir Road.

2.3 ENVIRONMENTAL PROTECTION MEASURES

Reclamation would implement environmental protection measures (EPM) to reduce environmental consequences associated with the Proposed Action. Environmental consequences for resource areas assume that the EPMs specified in Table 2-1 would be fully implemented.

Table 2-1. Environmental Protection Measures

Resource	Environmental Protection Measure
Water Resources, Biology	A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and implemented under the contract for the work. Standard spill and soil erosion prevention plans will be included and implemented for the work. If "filter socks" are used to prevent soil erosion, netting mesh shall be of a type that will not entrap listed species, including California tiger salamander (CTS) and California red-legged frog (CRLF).
Water Resources, Air Quality, and Biology	Staging of equipment and materials shall be on paved areas at the dam or boat ramp parking lot. If necessary, temporary storage of project waste materials (e.g. asphalt) prior to disposal shall be contained in a way to preclude access by frogs, salamanders and foxes. Heavy equipment used for earthmoving will be idled on the ground where work is occurring to minimize travel and further disturbance.
Water Resources	Fueling, cleaning, and maintenance of equipment would not be allowed except in designated areas located as far from the San Justo Reservoir as possible.
Water Resources, Biology	Work shall be conducted during daylight hours and no work shall occur during periods when it is raining.
Air Quality	Limit traffic speeds on unpaved roads to 15mph.
Air Quality	Use of alternative fueled or catalyst equipped diesel construction equipment.
Air Quality	Minimize idling time (e.g., 10-minute maximum).

Table 2-1. Environmental Protection Measures

Resource	Environmental Protection Measure
Traffic	The contractor shall maintain residential access to private property located south of San Justo Dam at all times, as the Dam Access Road is the sole source of access for these property owners. In addition, the contractor shall: A. Coordinate work with government and other contractors to maintain access where required on dam access roads. B. Road Closures. 1. Minimize closures to the greatest extent possible. 2. Before closing roads to traffic, post notice at each end of road approach. a. Notice shall be weatherproof. b. Notice shall be easily readable by driver in approaching vehicle. Lettering shall be printed in large, easily readable type font. 3. Post closure notice at least 72 hours before anticipated road closure. 4. Notify Reclamation and emergency services at least 72 hours before anticipated road closure. Emergency and government vehicles shall be permitted to pass through the work at any time. C. Limit closures to 3 hours during daylight hours outside of normal business times. Longer closures, up to 8 hours, may be allowed with prior approval of Reclamation.
Traffic	The contractor shall submit and implement a Traffic Control Plan that meets the Federal Highway Administration Department of Transportation Manual on Uniform Traffic Control Devices (MUTCD). Part 6 – Temporary Traffic Control (http://mutcd.fhwa.dot.gov/). Measures include: A. Meet requirements of Reclamation Safety and Health Standards, Sections 9 and 20; and MUTCD, Part 6. B. Provide cones, delineators, concrete safety barriers, barricades, flasher lights, danger signals, signs, and other temporary traffic control devices required to protect work and public safety. C. Provide flaggers and guards as required to prevent accidents and damage or injury to passing traffic. D. Do not begin work along public or private roads until proper traffic control devices for warning, channeling, and protecting motorists are in place in accordance with approved traffic control plan. E. Maintain traffic flow and conduct construction operations to minimize obstruction and inconvenience to public traffic in accordance with approved plan. F. Protect roads closed to traffic with effective barricades and warning signs. Illuminate barricades and obstructions from sunset to sunrise. G. Remove traffic control devices on as-needed basis.

Table 2-1. Environmental Protection Measures

Resource	Environmental Protection Measure
Traffic	The contractor shall remove temporary signs upon completion and acceptance of repaired road. Restoration shall conform to approved Land Use and Landscape Rehabilitation Plan.
Biological Resources	The general contractor, foreperson, or person on site responsible for the work shall be identified as a liaison to Reclamation and U.S. Fish and Wildlife Service (Service), and the contact information for this person shall be provided to Reclamation and Service before project work begins. This person shall be responsible for contacting biologists from Reclamation and Service should reporting on any environmental issues involving wildlife or federally listed species be needed. A Service-approved biologist shall be on site at the beginning of the project repair work and will visit the site periodically throughout the project to ensure that all practicable measures are being employed to avoid incidental disturbance of CRLF and their habitat.
Biological Resources	Equipment and work vehicles shall be cleaned and free of weed seeds and vegetative material before accessing Reclamation land and before material is transported away from the site to prevent contamination of other areas (Reclamation Guidelines on avoidance of spread of invasive species shall be provided as part of any bid process).
Biological Resources	A worker education program shall be implemented to avoid take of CRLF, CTS and San Joaquin Kit Fox (SJKF) during construction. A Service-approved biologist shall conduct a training session for construction personnel prior to commencing construction activities within the project footprint. Training will include a discussion of the CRLF, CTS and SJKF distribution, natural history, sensitivity to human activities, and the avoidance and minimization measures being implemented as part of the project to protect listed species, including CRLF, CTS and SJKF. Information shall be provided that addresses protections for listed species provided under the Endangered Species Act (ESA; 16 USC 1531 et seq.) and penalties for violations of the law.
Biological Resources	A Service-approved biologist shall perform a standardized survey (following Service 1999 protocols; http://www.fws.gov/sacramento/es/documents/kitfox_standard_rec.pdf) for evidence of SJKF (*Vulpes macrotis mutica*) before work on the project is initiated. If evidence of SJKF is identified, work will not commence until further consultation with the Service on the project is completed and environmental requirements have been met.
Biological Resources	A Service-approved biologist shall perform survey for nesting birds within the affected area before the project is initiated and make necessary recommendations so the contractor can avoid take of migratory birds under the Migratory Bird Treaty Act (16 USC 703-712).

Table 2-1. Environmental Protection Measures

Resource	Environmental Protection Measure
Biological Resources	Flagging shall be placed at the perimeter of the project area, clearly identifying the project boundaries. Spacing of flagging shall not exceed 50 feet between flags. The minimal amount of land necessary to complete the project will be disturbed.
Biological Resources	Before work is begun each day, the environmental liaison shall ensure that the area immediately under and around vehicles and heavy equipment is searched on foot and examined for listed species. If frog, salamander, or fox species are observed onsite, work shall not commence until Reclamation, the Service, and the Contractor biologists have been notified and that the Service or the Contractor biologist has determined that the species is not protected under the ESA. Additionally, if a frog, salamander, or fox is observed in the project area during the course of work, work shall cease and not resume until Reclamation and Service have been notified and the species identity has been established by a Service-approved biologist that it is one that is not protected under the ESA. If the species is identified as one that is protected under the ESA, work shall not resume until further consultation with Service on the matter is completed and any requirements for environmental clearance are completed.
Biological Resources	Openings of any piping material left on site must be covered to prevent access by animals, including frogs, salamanders, and foxes.
Biological Resources	Ground disturbance shall be minimized to the extent possible. When possible, to minimize heavy equipment movement and further ground disturbance, earthmoving equipment shall be idled overnight on the earthen worksite, unless otherwise required for safety and security.
Biological Resources	If trenching more than one foot deep is required and such trenching must remain open overnight, the trench(es) either must be covered to prevent access by frogs, salamanders, foxes and other wildlife, or "wildlife" escape ramps having a slope of not greater than a 1:1 are to be installed at distances not less than one per 250 lineal feet of open trench.

Table 2-1. Environmental Protection Measures

Resource	Environmental Protection Measure
Biological Resources	Any trenching one foot deep or greater, that is left open overnight, must be checked the next morning before work is begun, and daily, until filled. Backfilling is not permitted until the trench is surveyed for wildlife and found to be clear of all wildlife species. If a frog, salamander, or fox is present in the trench, a Service-approved biologist shall identify the species to determine whether or not it is protected under the ESA. If the animal is protected under the ESA, work on the project may not continue until Reclamation, Service and the CDFG have been contacted and directions for dealing with the situation are provided by Service. In such cases, with direction from Service, a Reclamation biologist or other Service-approved biologist, shall physically remove the animal from the trench and move it to surrounding habitat considered to be a "safe" location, or, to gently direct the animal to an escape ramp and away from the trench to a location considered safe. No trench may be filled until all animal(s) have either been removed to safety or they have escaped from the trench and would not be harmed by the action. This determination shall be made by a Service-approved biologist.
Biological Resources	The work area shall be kept clean. All food-related trash items will be enclosed in sealed containers and regularly removed from the project area. Pets of project personnel will not be allowed on site.
Biological Resources	Areas of annual grassland vegetation that are disturbed will be reseeded with herbaceous vegetation native to the area at recommend seeding rates, if a seed source is reasonably available. If native herbaceous seed is not reasonably available, mulch shall be applied before the onset of fall rains and seeds from the existing seedbank allowed to revegetate the site. Reseeding done in early fall, just prior to a rainfall event may help to ensure the greatest level of germination, least loss of seed, and greatest period of protection for developing seedlings. Disturbance of shrubby plants will be avoided wherever possible. If shrubby plants are destroyed in the project area, an equal number of shrubs native to the site shall be planted as replacements at or near the area disturbed, if a commercial supply of such plants is reasonably available. If native plants are not available, seeds shall be planted at a rate of 5:1 for each of the plants destroyed. If neither plants nor seed is reasonably available, a list of the suppliers contacted for materials in a "good faith effort" shall be provided to Reclamation and Service at least two weeks prior to final work inspection and approval.
Biological Resources	A copy of environmental document(s) issued by Service concerning this project shall be maintained at the job site and also with the foreperson during periods when work is being conducted.

3.0 AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES

This section discusses the existing environment in the Proposed Action area and identifies environmental resources. Each of the environmental resources was analyzed to determine effects from the alternatives. This section includes a discussion of the potential future environmental consequences on each resource. Relevant resource areas discussed in this section include hydrology and water quality, air quality, climate change, biological resources, traffic, Indian trust assets, socioeconomics, and environmental justice.

3.1 HYDROLOGY AND WATER QUALITY

This section identifies and evaluates potential effects of the alternatives on water quality for surface water resources for the Project site.

3.1.1 Affected Environment

The San Justo Reservoir, owned by Reclamation, is operated by SBCWD to provide agricultural, municipal, and industrial water to its customers in San Benito County. The Reservoir access road runs from Union Road west, and provides access to the north, west, and south sides of the Reservoir. An asphalt curb exists along the eastern edge of the roadway.

Water quality of the waterways and Reservoirs of the United States is protected by the Clean Water Act (CWA) that regulates and establishes pollution standards. The California Clean Water Enforcement and Pollution Prevention Plan Act of 1999 tasked the State Water Resources Control Board (SWRCB), Regional Water Quality Control Boards (RWQCB) with the responsibility of developing and enforcing water quality issues. The RWQCBs prepare Water Quality Control Plans (commonly referred to as Basin Plans), which designate the beneficial uses of regional receiving waters, set water quality objectives, and formulate regional water quality management programs for surface waters and groundwater. The Proposed Action site is under jurisdiction of the Central Coast RWQCB (CCRWQCB), which implements a Water Quality Control Plan for the Central Coast Basin (CCRWQCB 1994).

Under Section 303(d) of the CWA, states, territories, and authorized tribes are required to develop a list of water quality-limited segments. Waters on this list do not meet water quality standards, even after point sources of pollution have installed the minimum required levels of pollution control technology. Water quality in the San Justo Reservoir was not listed as impaired on the 2006 CWA Section 303(d) List (SWRCB 2006).

3.1.2 Environmental Consequences

No Action

Under the No Action alternative, surface water resources would not be affected.

Proposed Action

The Proposed Action would repair a damaged section of the San Justo Reservoir access road. Several tasks need to be completed to repair the damaged section of roadway which provides critical access to the dam at San Justo Reservoir and is used both by Reclamation and SBCWD personnel for maintenance and monitoring activities. The section of roadway in need of repair

extends approximately 710 feet. The Proposed Action would not impede water conveyance or deliveries during construction or operation.

The Proposed Action does not involve work in a live stream. Work would be conducted during the summer months between June and the end of October, 2011, and can be accomplished in less than four months. A grading permit would be required from San Benito County, which would require erosion control measures to protect potential storm water runoff from leaving the site during Project construction. Because project construction may disturb up to 1.9 acres of soil, Statewide General Permit No. CAS000002 that applies to storm water discharges associated with construction activity would be required. Reclamation would prepare a Storm Water Pollution Prevention Plan (SWPPP) and submit a Notice of Intent to the CCRWQCB. Best Management Practices specified in the SWPPP would be implemented at the construction and staging areas to prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off site into receiving waters. The Project would implement measures in accordance with the SWPPP and implement EPMs presented in Table 2-1 and water quality would not be affected.

3.2 AIR QUALITY

3.2.1 Affected Environment

The Proposed Action lies within the North Central Coast Air Basin (NCCAB) which is managed by the Monterey Bay Unified Air Pollution Control District (MBUAPCD). To protect health, the MBUAPCD is required by Federal law to adopt stringent control measures to reduce emissions. Section 176 (c) of the Clean Air Act (42 U.S. Code [U.S.C.] 7506 (c)) requires any entity of the Federal government that engages in, supports, or in any way provides financial support for, licenses or permits, or approves any activity to demonstrate that the action conforms to the applicable State Implementation Plan (SIP) required under Section 110 (a) of the Federal Clean Air Act (42 U.S.C. 7401 (a)) before the action is otherwise approved. In this context, conformity means that such Federal actions must be consistent with a SIP's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards (NAAQS) and achieving expeditious attainment of those standards. Each Federal agency must determine that any action that is proposed by the agency and that is subject to the regulations implementing the conformity requirements will, in fact, conform to the applicable SIP before the action is taken.

On November 30, 1993, the U.S. Environmental Protection Agency (EPA) promulgated final general conformity regulations at 40 Code of Federal Regulations (CFR) 93 Subpart B for all Federal activities except those covered under transportation conformity. The general conformity regulations apply to a proposed Federal action in a non-attainment or maintenance area if the total of direct and indirect emissions of the relevant criteria pollutants and precursor pollutant caused by the Proposed Action equal or exceed certain de minimis amounts, thus requiring the Federal agency to make a determination of general conformity. However, the NCCAB is in attainment for all federal criteria pollutants; therefore, the general conformity requirements are not applicable to the Proposed Action.

The following de minimis amounts for the MBUAPCD are presented in Table 3-1.

Table 3-1. General Conformity de minimis Thresholds

Pollutant	Federal Status	De minimis (Tons Per Year)
VOC (as an ozone precursor)	Attainment	100
NO_X (as an ozone precursor)	Attainment	100
PM_{10}	Attainment	100
CO	Attainment	100

Sources MBUAPCD 2009; 40 CFR 93.153
VOC Volatile Organic Compound
NO_x Nitrogen oxides
PM_{10} Particulate matter less than 10 microns in diameter
CO Carbon monoxide

3.2.2 Environmental Consequences

No Action

Under the No Action Alternative, there would be no change in or effects to air quality.

Proposed Action

The Proposed Action would introduce two types of air emission sources: (1) diesel-powered earthmoving and construction equipment and (2) diesel truck emissions associated with hauling waste asphalt and delivering aggregate and asphalt to the site. For this analysis, worst case assumptions were used that the entire roadway in the Proposed Action area at the reservoir could be replaced.

Air impacts during construction activities would be short-term pollutant emissions of CO, NO_x, SO_2, VOCs, and PM_{10} related to diesel engine exhaust. Air emissions are calculated using the California Air Resources Board (ARB) approved emissions modeling software, URBan EMISsions (URBEMIS) 2007 version 9.2.4, and are estimated based on the following assumptions:

- A total of up to 2.5 acres would be disturbed. One acre is assumed to be disturbed on a daily basis.
- Based on preliminary design estimates, two graders, two dump-trucks, two backhoes, two bulldozers, and one water truck, would be used during site grading. Vehicle speed on unpaved roads would be limited to 15 mph. This phase is assumed to occur over a constant two-month period.
- One paver, one "paving equipment," one roller, and one tractor/loader/backhoe would be used during paving, which is assumed to occur over a one-month period, immediately following the repair phase.
- An operating schedule of eight hours per day, five days per week is assumed, with individual equipment assumed to be operating from six to eight hours per day, depending the specific type.
- All diesel equipment and on-road trucks would be equipped with diesel catalysts and particulate filters to control NO_x, CO, hydrocarbons, and particulate emissions.

- Hauling of waste asphalt and deliveries of fill and asphalt to the site would be made by truck. Approximately 2,600 cubic yards would be imported to the site.
- Approximately 1,000 cubic yards of waste asphalt would be exported to a recycling facility. An eleven-mile round-trip travel distance was assumed.

Based on the above assumptions, total Proposed Action air emissions are estimated for information purposes and presented in Table 3-2.

Table 3-2. Total Project Emissions (tons)

Source	NO_x (tons)	CO (tons)	Reactive Organic Gas (tons)	PM_{10} (tons)
Site Grading	1.03	0.60	0.13	0.49
Site Paving	0.18	0.11	0.03	0.02
Total	**1.21**	**0.71**	**0.16**	**0.51**

The Proposed Action would implement EPMs listed in Table 2-1. The MBUAPCD is in attainment for all current federal air quality standards. Although less than conformity thresholds, the Proposed Action would implement EPMs recommended by the air district, and would not exceed EPA conformity thresholds. Therefore, the Proposed Action would not affect air quality.

3.3 CLIMATE CHANGE

3.3.1 Affected Environment

Climate change refers to any significant change in measures of climate (e.g., temperature or precipitation) lasting for an extended period of time (decades or longer). Climate change may result from natural processes, such as changes in the sun's intensity; natural processes within the climate system (such as changes in ocean circulation); human activities that change the atmosphere's composition (such as burning fossil fuels), and the land surface (such as urbanization).

Some greenhouse gases (GHG) such as carbon dioxide (CO_2) occur naturally and are emitted to the atmosphere through natural processes and human activities. Other GHG (e.g., fluorinated gases) are created and emitted solely through human activities. The primary GHG that enter the atmosphere as a result of anthropogenic activities include CO_2, methane (CH_4), nitrous oxide (N_2O), and fluorinated gases such as hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. These synthetic gases are powerful GHG that are emitted from a variety of industrial processes.

Ongoing scientific research has identified the potential impacts of anthropogenic GHG emissions and changes in biological sequestration due to land management activities on global climate. Through complex interactions on a regional and global scale, these GHG emissions and net losses of biological carbon sinks cause a net warming effect of the atmosphere, primarily by decreasing the amount of heat energy radiated by the earth back into space. Although GHG levels have varied for millennia, recent industrialization and burning of fossil carbon sources have caused carbon dioxide equivalent (CO_{2e}) concentrations to increase dramatically, and are likely to contribute to overall global climatic changes. The IPCC recently concluded that

"warming of the climate system is unequivocal" and "most of the observed increase in globally average temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic greenhouse gas concentrations" (Intergovernmental Panel on Climate Change [IPCC] 2007).

Global mean surface temperatures have increased nearly 1.8°F from 1890 to 2006 (IPCC 2007). Models indicate that average temperature changes are likely to be greater in the northern hemisphere. Northern latitudes (above 24°N) have exhibited temperature increases of nearly 2.1°F since 1900, with nearly a 1.8°F increase since 1970 alone (IPCC 2007). Without additional meteorological monitoring systems, it is difficult to determine the spatial and temporal variability and change of climatic conditions, but increasing concentrations of GHG are likely to accelerate the rate of climate change.

The California Global Warming Solutions Act of 2006 (AB 32) is one of the first laws in the United States that mandates regulation of GHG at a state level. In April 2009, the U.S. Supreme Court ruled that the EPA has the authority to regulate GHG under the Clean Air Act (Massachusetts vs. EPA, 05-1120). It is anticipated that, as more information becomes available, and as California moves to implement the GHG regulations under AB 32, additional restrictions will be placed on all activities.

3.3.2 Environmental Consequences

No Action

Under the No Action Alternative, there would be no change in or effects to GHG. Any changes in climate underway would continue in the absence of the Proposed Action.

Proposed Action

The Proposed Action would introduce GHG emissions primarily through the combustion of diesel fuel: (1) diesel-powered earthmoving and construction equipment and (2) diesel truck emissions associated with hauling waste asphalt and delivering fill and asphalt to the site.

GHG emissions construction activities would be short-term pollutant emissions, primarily of CO_2 related to diesel engine exhaust. GHG emissions are estimated using the ARB approved emissions modeling software, URBEMIS 2007 version 9.2.4, and are based on the assumptions previously discussed in the Air Quality section. Based on the URBEMIS 2007 analysis, total Project CO_2 emissions are presented in Table 3-3. To be consistent with accepted GHG convention, quantities are also presented in metric tons.

Table 3-3. Total Project Greenhouse Gas Emissions

Source	CO_2 (tons)	CO_2 (metric tons)
Site Grading	97.5	88.5
Site Paving	15.0	13.6
Total	**112.5**	**102.1**

On October 27, 2009 the EPA proposed a rule, referred to as the GHG Tailoring Rule, to establish new thresholds for emissions of GHG. In the draft rule, EPA proposes to establish Prevention of Significant Deterioration (PSD) and Federal operating permit (Title V) major source thresholds of 25,000 tons per year (tpy) CO_{2e} for GHG emissions, and a major

modification threshold (and significance level) between 10,000 and 25,000 tpy CO_{2e}. These thresholds will be used to determine whether a facility's GHG emissions trigger applicability of the PSD and Title V programs. This rule is in anticipation of the fact that GHG will become a "regulated pollutant" under the PSD and Title V programs. The GHG Tailoring Rule is intended to limit the scope of PSD and Title V permitting requirements to keep smaller sources out of the program. There are currently no formal Federal thresholds for GHG emissions. The calculated CO_{2e} are well below the Environmental Protection Agency's threshold for annually reporting GHG emissions (25,000 metric tons/year), which is a surrogate for a threshold of significance (EPA 2009). Accordingly, the Proposed Action would result in below *de minimis* impacts respecting global climate change.

3.4 BIOLOGICAL RESOURCES

3.4.1 Affected Environment

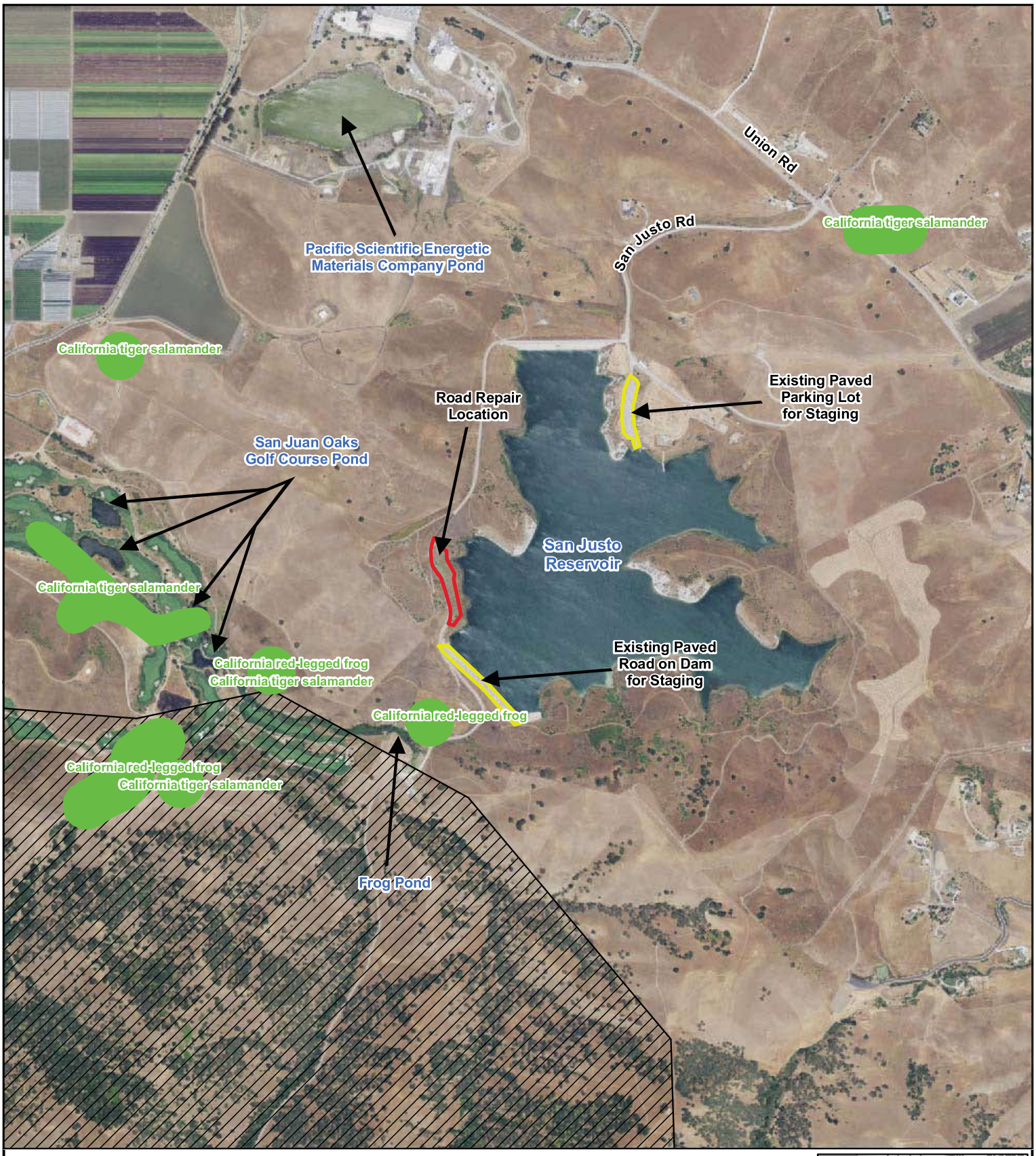
The San Justo Reservoir access road is about 2 miles southwest of the City of Hollister within the Hollister 7.5-minute United States Geological Survey (USGS) quadrangle in San Benito County. The Proposed Action area is located about 500 feet north of the San Justo Reservoir dam.

The topography is comprised of steep hill faces surrounding the access road. The habitat surrounding the access road is comprised of non-native grassland with scattered patches of coyote bush, black mustard, and tree tobacco. The access road traverses a rock dike (1,100 feet long) on the northern side of the Reservoir, wraps around the western side of the Reservoir, and then over the 1,375 foot-long southern earthen dam.

The Proposed Action area is northeast of a small enhanced pond, referred to as the "frog pond." This pond provides habitat for CRLF and possibly CTS (Figure 4). The frog pond lies about 785 feet southwest of the dam face road and about 200 feet lower in elevation. The frog pond is fed from a pump that conveys water seeping at the dam face. The wetted pond area is about 30-feet by 200-feet and runs lengthwise from east to west. Water runs over an earthen bank in a shallow steady flow to an ephemeral creek which runs dry within about 500 feet from the frog pond. Several additional ponds are located outside the Proposed Action area on the San Juan Oaks Golf Course west of the Reservoir and a moderately sized (1,700-feet by 850-feet; approximately 30 acre) pond north of the Reservoir owned by Pacific Scientific Energetic Materials Company (Figure 4). These ponds may provide habitat for CRLF and CTS.

Special Status Species

A species list for San Benito County was received from the U.S. Fish and Wildlife Service (Service) Ventura Office for the San Justo Reservoir Access Road Repair Project (Reference Number: 81440-2010-TA-0207; see Appendix B). The list contained four federally listed species under the jurisdiction of the Service that occur in the Hollister quadrangle. Sixteen federally listed species are known to occur in San Benito County, shown in Table 3-4. Designated critical habitat exists within San Benito County for four of the listed species. The California Natural Diversity Database (CNDDB) was also queried for Federal- and state-listed species in the Proposed Action area and within five miles of the Proposed Action area (see Appendix B). Locations of California Native Plant Society (CNPS), state, and federally listed plants within five miles of the Proposed Action areas as reported to the CNDDB are shown in



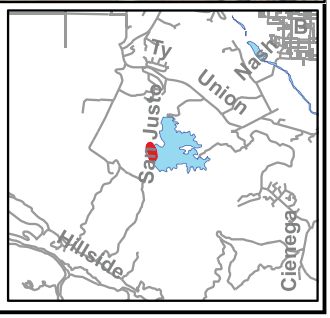
Legend

- Project Boundary
- California Red-Legged Frog Critical Habitat

Figure 4
Ponds Near the
San Justo Reservoir
Access Road Repair Project

N

0 1,250 2,500 3,750
Feet



U.S. Department of the Interior Bureau of Reclamation
Data Source: Aerial image provided by Digital Globe 6-1-2009

Table 3-4. Federally Listed Species in San Benito County

Common Name	Scientific Name	Status	Primary Habitat and Critical Seasonal Periods	Likelihood for Occurrence in Project Site and Comments
Invertebrates				
Conservancy fairy shrimp	*Branchinecta conservatio*	E	Highly turbid water in seasonal wetlands and vernal pools. Cysts hatch and shrimp become active when pools fill during the winter rainy season.	**Not Expected.** No CNDDB occurrence documented within five miles of the Proposed Action site. No suitable habitat (seasonal wetlands or vernal pools) present at the site.
Longhorn fairy shrimp	*Branchinecta longiantenna*	E	Associated with seasonal wetlands, swales, and vernal pools in grassland communities. Cysts hatch and shrimp become active when pools fill during the winter rainy season.	**Not Expected.** No CNDDB occurrence documented within five miles of the Project site. No suitable habitat (seasonal wetlands or vernal pools) present at the site.
Vernal pool fairy shrimp	*Branchinecta lynchi*	T	Associated with seasonal wetlands, swales, and vernal pools in grassland communities. Cysts hatch and shrimp become active when pools fill during the winter rainy season.	**Not Expected.** No CNDDB occurrence documented within five miles of the Proposed Action site. No suitable habitat (seasonal wetlands or vernal pools) present at the site.
Vernal pool tadpole shrimp	*Lepidurus packardi*	E	Associated with seasonal wetlands and vernal pools in grassland communities. Cysts hatch and shrimp become active when pools fill during the winter rainy season.	**Not Expected.** No CNDDB occurrence documented within 5 miles of the Proposed Action site. No suitable habitat (seasonal wetlands or vernal pools) present at the site.
Valley elderberry longhorn beetle	*Desmocerus californicus dimorphus*	T	Endemic with patchy distribution. Valley elderberry longhorn beetles are completely dependent on their host plant, the elderberry shrub. Adult active period is from March to June.	**Not Expected.** No CNDDB occurrence documented within 5 miles of the Proposed Action site. No suitable habitat (elderberry shrubs) present at the site.

Table 3-4. Federally Listed Species in San Benito County

Common Name	Scientific Name	Status	Primary Habitat and Critical Seasonal Periods	Likelihood for Occurrence in Project Site and Comments
Fish				
South-central California Coast Steelhead	*Oncorhynchus mykiss*	T	Anadromous. Associated with fresh, brackish, and marine riverine habitats. The South-central California Coast steelhead DPS includes all naturally spawned populations of steelhead in geographic range determined to extend from the Pajaro River basin in Monterey Bay south to, but not including, the Santa Maria River basin near the town of Santa Maria. Spawning occurs between December and June.	**Not Expected.** No suitable habitat in the Proposed Action area. South-central California Coast Steelhead range and critical habitat extends from the Pajaro River basin in Monterey Bay south to, but not including, the Santa Maria River basin. These waters would not be affected by the Proposed Action.
Amphibians and Reptiles				
Blunt-nosed leopard lizard	*Gambelia* (=*Crotaphytus*) *sila*	E	Suitable habitat includes saltbush scrub and valley sink scrub. Uses small rodent burrows for shelter from predators and temperature extremes.	**Not Expected.** No CNDDB occurrences documented within 5 miles of the Proposed Action site. Suitable habitat is not present at the Proposed Action site.
California red-legged frog	*Rana* (=*aurora draytonii*) *draytonii*	T	Requires dense, shrubby or emergent vegetation associated with deep still or slow-moving water. Breeds from November through March.	**Low.** Presence of CRLF is known for breeding adults, juveniles, and larvae, at the "frog pond" and adjacent to the San Juan Oaks Golf Course south of the access road. Potential for migration of adults over the adjacent uplands is low during the dry season.

Table 3-4. Federally Listed Species in San Benito County

Common Name	Scientific Name	Status	Primary Habitat and Critical Seasonal Periods	Likelihood for Occurrence in Project Site and Comments
California tiger salamander	*Ambystoma californiense*	T	Restricted to grasslands and low foothill regions with aquatic sites for breeding that may include valley needle grassland, valley wild rye grassland, non-native grassland and wildflower fields with vernal pools or other temporary ponds. Other habitats include valley-oak woodland.	**High.** Rodent burrows within the Proposed Action area provide suitable upland refuge habitat. Potential for occurrence of CTS is high in the burrows in uplands around the access road.
Birds				
Least Bell's vireo	*Vireo bellii pusillus*	E	Inhabits dense, low, shrubby vegetation, generally early successional stages in riparian areas, brushy fields, young second-growth forest or woodland, scrub oak, coastal chaparral, and mesquite brushlands, often near water in arid regions.	**Not expected.** Riparian habitat for nesting and foraging is present adjacent to the "frog pond" but no riparian habitat exists in the Proposed Action area or would be affected.
Yellow-billed cuckoo	*Coccyzus americanus occidentalis*	C	Nests and roosts in densely foliaged deciduous trees and shrubs, especially willows.	**Not Expected.** No CNDDB occurrences documented within 5 miles of the Proposed Action site. The Proposed Action site is outside of the species range.

Table 3-4. Federally Listed Species in San Benito County

Common Name	Scientific Name	Status	Primary Habitat and Critical Seasonal Periods	Likelihood for Occurrence in Project Site and Comments
Mammals				
Giant kangaroo rat	*Dipodomys ingens*	E	Lives on dry, sandy grasslands and digs burrows in loose soil for habitation. Inhabited burrows organized in colonies; individuals communicate with each other by drumming their feet on the ground.	**Not Expected.** No CNDDB occurrences documented within 5 miles of the Proposed Action site. A subpopulation extant in the Panoche Region occurs in western Fresno and Eastern San Benito Counties. The species range is outside of the Proposed Action site.
San Joaquin kit fox	*Vulpes macrotis mutica*	E	Historic range of this species was the San Joaquin Valley, western Sacramento Valley, and portions of the Inner Coast Range.	**Low.** The ground squirrels in the area surrounding the access road provide a potential prey base and their burrows provide potential denning opportunities for kit fox. Burrows that are large enough to be utilized by kit fox have been found on site.
San Joaquin Valley woodrat	*Neotoma fuscipes riparia*	E	Woodrats are highly arboreal. Evergreen or live oaks and other thick-leaved trees and shrubs are important habitat components for this species. Riparian woodrats are common, however, where there are deciduous valley oaks, but few live oaks. In riparian areas, highest densities of woodrats and their houses are often encountered in willow thickets with an oak overstory.	**Not Expected.** No CNDDB occurrences documented within five miles of the Proposed Action site. The only population that has been verified is the single, known extant population restricted to about 250 acres of riparian forest on the Stanislaus River in Caswell Memorial State Park.

Table 3-4. Federally Listed Species in San Benito County

Common Name	Scientific Name	Status	Primary Habitat and Critical Seasonal Periods	Likelihood for Occurrence in Project Site and Comments
Plants				
San Benito Evening-Primrose	*Camissonia benitensis*	T	Required habitat includes clay or gravelly serpentine alluvial terraces in Chaparral or Foothill Woodland. The species is known only from several occurrences in the New Idria area in San Benito County, the most recent in 2005. Blooms April to June.	**Not Expected.** The Proposed Action area does not provide suitable habitat including serpentine soils.
San Joaquin Woolly Threads	*Monolopia* (*=Lembertia*) *congdonii*	E	Required habitat is alkali sink or sandy soils in Shadscale Scrub and Valley Grassland. The species is known from San Benito County and elsewhere in the Central Valley, and about one-half of the historical occurrences are extirpated. Blooms February to May.	**Not Expected.** Nearest extant population is about 40 miles away. San Joaquin wooly-threads are not expected to occur in the valley and foothill grasslands surrounding the access road.
Two-fork Clover	*Trifolium amoenum*	E	There is a single extant population in northern Marin County, which numbers about 200 plants. Although the closest known extant populations are distant, nearby historical populations have been recorded and suitable habitat exists in the valley and foothill grasslands of the upland lands surrounding the Reservoir.	**Not Expected.** The nearest extant population is over 90 miles away in Marin County and Two-fork clover has a low probability of occurrence in the valley and foothill grasslands of the upland lands surrounding the access road.

Table 3-4. Federally Listed Species in San Benito County

Common Name	Scientific Name	Status	Primary Habitat and Critical Seasonal Periods	Likelihood for Occurrence in Project Site and Comments

Sources:

Federal Endangered and Threatened Species San Benito County official species list, U.S. Fish and Wildlife Service (Service), (March 2010);
California Natural Diversity Database (CNDDB) search for Hollister Quadrangle, California Department of Fish & Game (CDFG), (March 2010);

Key to Status Codes:

Federal Status:

C: Candidate for listing
E: Endangered
T: Threatened

Appendix B, Figure B-1. Of the 15 special status plant species identified by the CNDDB, three are federally listed species and are discussed in detail in Table 3-4. Table 3-4 presents federally listed plant species habitat affinities and reported occurrences, life form, blooming periods, and potential for occurrence at the Proposed Action area. None of the federally listed plant species, San Benito evening primrose (*Camissonia benitensis*), San Joaquin Wooly threads (*Monolopia* (=*Lembertia*) *congdonii*), or two-fork clover (*Trifolium amoenum*) is expected to occur due to lack of suitable habitat on site and the site's generally disturbed nature.

Potential project impacts to plants and animals which are listed under the federal Endangered Species Act require consideration under NEPA. Of the three plant and 14 wildlife species federally listed as threatened or endangered, three wildlife species were considered to have at least some potential to occur within the region or have been recorded historically in the Proposed Action vicinity.

Invertebrates

Several special status invertebrate species were evaluated because the Proposed Action area falls within or in the vicinity of the historical range of these species, including vernal pool fairy shrimp (*Branchinecta lynchi*) federally listed as threatened, and vernal pool tadpole shrimp (*Lepidurus packardi*), federally listed as endangered. However, based on the absence of suitable habitat, these species are not expected to occur on site. No elderberry shrubs would be disturbed by the Proposed Action and the site is outside the range of valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*); therefore, none of these species or their critical habitat would be affected. There are no federally listed invertebrate species expected to occur in the Proposed Action area.

Amphibians

California Tiger Salamander

The CTS (*Ambystoma californiense*) is listed as threatened under the ESA and also is listed by the State of California under its Endangered Species Act as threatened. The CTS is known to occur in the permanent San Juan Oaks Golf Course ponds within one mile west of the Reservoir access road and over 15 additional occurrences have been reported within a five-mile radius of the Proposed Action area (Appendix B, Figure B-1). Access to the Proposed Action site from the known locations is present overland as dispersal barriers are absent. The uplands around the

access road support ground squirrel burrows within the Proposed Action area and the burrows provide suitable subterranean habitat for CTS.

Potential for occurrence of CTS is high for adults and juveniles in the Proposed Action area and adjacent uplands. In December, Reclamation informed the Service of actions deemed likely to be needed to repair and to prevent further deterioration of the access road. The results from initial onsite investigations of the area to be affected and potential impacts to burrows that could harbor CTSs were discussed.

California Red-Legged Frog
The CRLF (*Rana* (=*aurora draytonii*) *draytonii*) is federally listed as threatened and a California species of special concern. The Proposed Action area does not fall within federally designated CRLF Critical Habitat. Critical habitat includes areas within San Benito County which have been recently expanded (Service 2010). The closest unit to the Proposed Action area is Critical Habitat Unit SNB-1 in San Benito County (Service 2010), which is located about 300 feet southwest of the frog pond.

Suitable upland dispersal habitat has been identified in the Proposed Action area, and CRLFs have been identified adjacent to the site in the frog pond as late as the fall of 2008 (SBCWD 2009). Numerous CRLF occurrences have been documented within one mile of San Justo Reservoir access road (Appendix B, Figure B-1). Aquatic features adjacent to the Proposed Action area that provide breeding and aquatic habitat for this species include the frog pond, located about 0.3 mile south and an ephemeral creek below the dam. Additional breeding habitat may exist in the pond at the Pacific Scientific Energetic Materials Company and ponds within or adjacent to the golf course (Figure 4). Areas in between these ponds could serve as migration habitat. Although the Reservoir may support limited breeding habitat for CRLF at fringes where emergent plants and shoreline vegetation provide cover, the numerous predators including warm water fishes and bullfrogs at the Reservoir lessen the potential for breeding success or survival at this site. Nevertheless, adults could migrate over the adjacent uplands from inhabited sites.

Reptiles
The blunt-nosed leopard lizard (*Gambelia sila*), federally listed as endangered and listed as a fully protected species by the State of California, is not expected to occur on site based on the absence of suitable habitat (alkali or desert scrub habitats).

Birds
California condor
The Proposed Action area is within the potential foraging range for California condor (*Gymnogyps californianus*) that roost and nest in the Big Sur area of Monterey County. Nesting also occurs at Pinnacles National Monument, approximately 30 miles south of the Proposed Action area. Although nesting habitat for the condor does not exist in the Proposed Action area, the surrounding lands include open grasslands that could provide foraging habitat. There is a low probability for occurrence of foraging California condor in the grasslands surrounding the Proposed Action area but they are not expected to occur in the Proposed Action area.

Western yellow-billed cuckoo
Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*) is not expected to occur in the Proposed Action area due to lack of suitable habitat.

Least Bell's vireo
Least Bell's vireo (*Vireo bellii pusillus*), federally listed endangered, has suitable nesting and foraging habitat present along the ephemeral creek bordering the west side of the frog pond. However, the expanse of open grassland and the hillside between the riparian habitat and the Proposed Action area reduce the suitability of the area to this species, and it is not expected to occur in the Proposed Action area.

Fish
The South-central California Coast Evolutionary Significant Unit (ESU) of Steelhead (*Oncorhynchus mykiss*), federally listed as threatened, was evaluated for potential occurrence. This steelhead ESU range and critical habitat extends from the Pajaro River basin in Monterey Bay south to, but not including, the Santa Maria River basin. These waters would not be affected by the Proposed Action.

Mammals
Several federal special status mammal species were evaluated because the Proposed Action area falls within or in the vicinity of the historical range of these species, including giant kangaroo rat (*Dipodomys ingens*), federally listed as endangered, and San Joaquin Valley woodrat (*Neotoma fuscipes riparia*), federally and state listed as endangered. However, based on the current known ranges of these species, they are not expected to occur on site.

San Joaquin Kit Fox
SJKF (*Vulpes macrotis mutica*), federally listed as endangered and state listed as threatened, has potential habitat present within the Proposed Action area. Suitable habitat surrounding the access road includes open grassland with abundant ground squirrel activity and associated burrows. The ground squirrels provide a potential prey base and their burrows provide potential denning opportunities for kit fox. SJKF is considered to have a moderate potential to occur in the affected area, though the most recent record in the vicinity was from 1992 (CNDDB 2010).

Plants
San Benito evening primrose
San Benito evening primrose habitat includes clay or gravelly serpentine alluvial terraces in Chaparral or Foothill Woodland. The species is known only from several occurrences in the New Idria area in San Benito County, the most recent in 2005. San Benito evening primrose is federally listed as threatened. San Benito evening primrose is not expected in the Proposed Action area, as suitable habitat including serpentine soils is not present.

San Joaquin Woolly Threads
San Joaquin woolly threads habitat is alkali sink or sandy soils in Shadscale Scrub and Valley Grassland. The species is known from San Benito County and elsewhere in the Central Valley, and about one-half of the historical occurrences are extirpated. San Joaquin woolly threads are federally listed as endangered. Although the closest extant occurrence of this species reported by CNDDB exists in San Benito County, about 40 miles east of the Proposed Action site (CNDDB 2010). Within the Proposed Action area, San Joaquin woolly threads is not expected to occur because of the generally disturbed nature around the access road.

Two-Fork Clover
Two-fork clover, federally listed endangered, is typically found on heavy soils at elevations less than 100 meters in Coastal Bluff Scrub. The historic range of two-fork clover was from the western extreme of the Sacramento Valley in Solano County, west and north to Marin and Sonoma counties. Presently, there is only a single extant population in northern Marin County. The closest recorded occurrence was in 1903 within the city limits of Gilroy, 14.3 miles north of the Proposed Action site and suitable nonnative grassland habitat exists near the Proposed Action site. Two-fork clover is not expected to occur in the Proposed Action area because of the generally disturbed nature around the access road.

Migratory Bird Treaty Act
The grassland habitat and a small number of shrubs in the Proposed Action area provide suitable nesting and foraging habitat for birds protected under the Federal Migratory Bird Treaty Act. A survey to identify nesting within the affected areas would be completed before the Proposed Action is initiated and measures enacted so that take of migratory birds by the Proposed Action would be avoided.

3.4.2 Environmental Consequences

No Action
Under the No Action Alternative, conditions of special status species and habitats would be the same as they would be under existing conditions described in the Affected Environment. No additional effects to special status species or critical habitats are associated with this alternative.

Proposed Action
The Proposed Action would have no effect on conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool fairy shrimp, vernal pool tadpole shrimp, valley elderberry longhorn beetle, blunt-nosed leopard lizard, yellow-billed cuckoo, least Bell's vireo, South-central California Coast steelhead, giant kangaroo rat, San Joaquin Valley woodrat, San Benito evening-primrose or critical habitat for special status species because they do not occur within the Proposed Action area.

San Joaquin wooly-threads and two-fork clover are not expected to occur in the grasslands surrounding the access road. The closest extant occurrence of San Joaquin wooly threads reported by CNDDB exists in San Benito County, about 40 miles east of the Proposed Action site. The closest recorded occurrence of two-fork clover was in 1903 within the city limits of Gilroy, 14.3 miles north of the Proposed Action site. The access road is paved and the area directly adjacent to the access road is disturbed. These species would not be expected to occur in the Proposed Action area. Effects to grassland surrounding the access road would be minimized to the greatest extent possible and effects to special-status plants are not expected.

CRLFs exist in a pond at the base of the dam that receives seepage water from the dam via a system of drains and an outlet pipe. This pond also is a potential breeding pond for CTS. Both these species may occur in the permanent golf course ponds west of the Proposed Action area.

CRLF occurs west of the Proposed Action area at the frog pond and at ponds adjacent to the San Juan Oaks Golf Course. The Proposed Action would not affect the pond, wetlands or frogs in that area. However, the Proposed Action would disturb asphalt roadway and uplands that CRLF could potentially travel over and rodent burrows would be destroyed. A direct effect on CRLF

would not be expected because movements overland from wetland sites would not occur during the dry season and the burrows at the Proposed Action site would not be occupied during the dry season. Temporary disturbance to low quality habitat for CRLF would occur, but the habitat would be restored following construction. The effects to CRLF and their habitat would be minimized to the greatest extent possible by following measures listed in Table 2-1 and the overall effects are considered insignificant, and therefore, would not adversely affect this species.

The CTS is known to occur in the permanent golf course ponds within one mile west of the Proposed Action area. Access to the Proposed Action site from the known breeding locations is present overland as dispersal barriers are absent. Potential occurrence of CTS adults and juveniles is high in ground squirrel burrows in the uplands around the access within the Proposed Action area. The Proposed Action would destroy ground squirrel burrows during grading and berm construction, and therefore, may adversely affect CTS. In December, Reclamation initiated informal consultation with the Service and informed them of actions deemed likely to repair and prevent further deterioration of the access road. Reclamation determined that the CTS may be affected by the Proposed Action and has submitted a Biological Assessment to the Service requesting formal consultation on the Proposed Action.

California condor nesting habitat does not exist in the Proposed Action area. The lands surrounding the access road include open grasslands that provide potential scavenging habitat but this species has not been recorded in the vicinity of the Proposed Action area in recent history and would not be expected to occur there. As such, the Proposed Action would not affect this species.

SJKF may utilize the grassland habitat surrounding the access road for denning and foraging. These species have potential to occur on lands adjacent to the Proposed Action area. However, effects to grassland surrounding the access road would be minimized to the greatest extent possible. Reclamation would implement EPMs in Table 2-1. Based on records for SJKF from the area, which are few and older, and the fact that Proposed Action is at the edge of the species range, if no sign or evidence of SJKF is found, it is likely that they are not present in the vicinity and would not likely be directly affected by the Proposed Action. If active dens are found and cannot be avoided, the standard procedure of monitoring and excavating the dens would be implemented to ameliorate potential for harm to SJKF. The Proposed Action is not likely to adversely affect this special status species.

Service has recently provided a Biological Opinion (BO; dated May 10, 2010) for the Proposed Action, concurring with Reclamation that effects of the Proposed Action are not likely to adversely affect SJKF or CRLF. Additionally, Service concluded that the Proposed Action was not likely to jeopardize the continued existence of CTS. Reclamation would comply with requirements of the BO (dated May 10, 2010) issued by Service.

3.5 TRAFFIC

This section identifies and evaluates potential effects of the alternatives related to traffic in the Proposed Action area.

3.5.1 Affected Environment

The San Justo Reservoir is located near the town of Hollister and is accessed from Union Road through a Reclamation-controlled gate that leads to San Justo Reservoir Road. The Union Road/San Justo Reservoir Road intersection does not have any stop signs; however, Union Road has dedicated right- and left-turn lanes onto San Justo Reservoir Road. Union Road is a two-lane local roadway with no median and averaged about 3,877 vehicles per day in 1999 (San Benito County, 2010). Assuming a 2 percent annual increase, the current volume would be about 4,726 vehicles per day. Union Road has a steep grade in the vicinity of San Justo Reservoir Road.

Union Road runs between State Highway 156 and San Benito Road (Business 156) and can, therefore, be accessed by either route. North of Hollister, Business 156 runs south from State Highway 156 through the town of Hollister, is the main street for local traffic, and very congested. From the Union Road Intersection, State Highway 156 continues west to San Juan Bautista, Highway 101, and ultimately reaches Highway 1 near the coast by Castroville. Traffic on Highway 156 includes commuter vehicles, recreational vehicles, construction vehicles, and large commercial trucks. State Highway 156 is a 2-lane roadway with 4-way stop sign at Union Road. State Highway 156 has turn lanes to turn left or right onto Union Road from either direction. Existing roadway characteristics are presented in Table 3-5.

Table 3-5. Existing Roadway Characteristics

Segment	Volume[1] (vehicles/day)	Capacity[2] (vehicles/day)	Lanes	V/C[3]	Level of Service
Union Road[a]	4,726	15,000	2	.32	A
State Highway 156 at San Felipe Road[b]	11,500	15,000	2	.77	C
State Highway 156 at Highway 25[b]	12,100	15,000	2	.81	C
State Highway 156 at 4th St[b]	24,500	15,000	2	1.63	F
State Highway 156 at Union Road[b]	24,700	15,000	2	1.65	F

Source:
[a]San Benito County 2010
[b]Caltrans 2008.

Notes:
[1]Actual volume of traffic
[2]Roadway capacity
[3]V/C ratios are calculated based on typical traffic-carrying capacities from the Highway Capacity Manual (Transportation Research Board [TRB] 2000) Table 3.13-3.
Level of Service is the quality of traffic flow from A through F. "A" representing free-flow conditions with no congestion or delay and "F" representing severe congestion with stop-and-go conditions.

3.5.2 Environmental Consequences

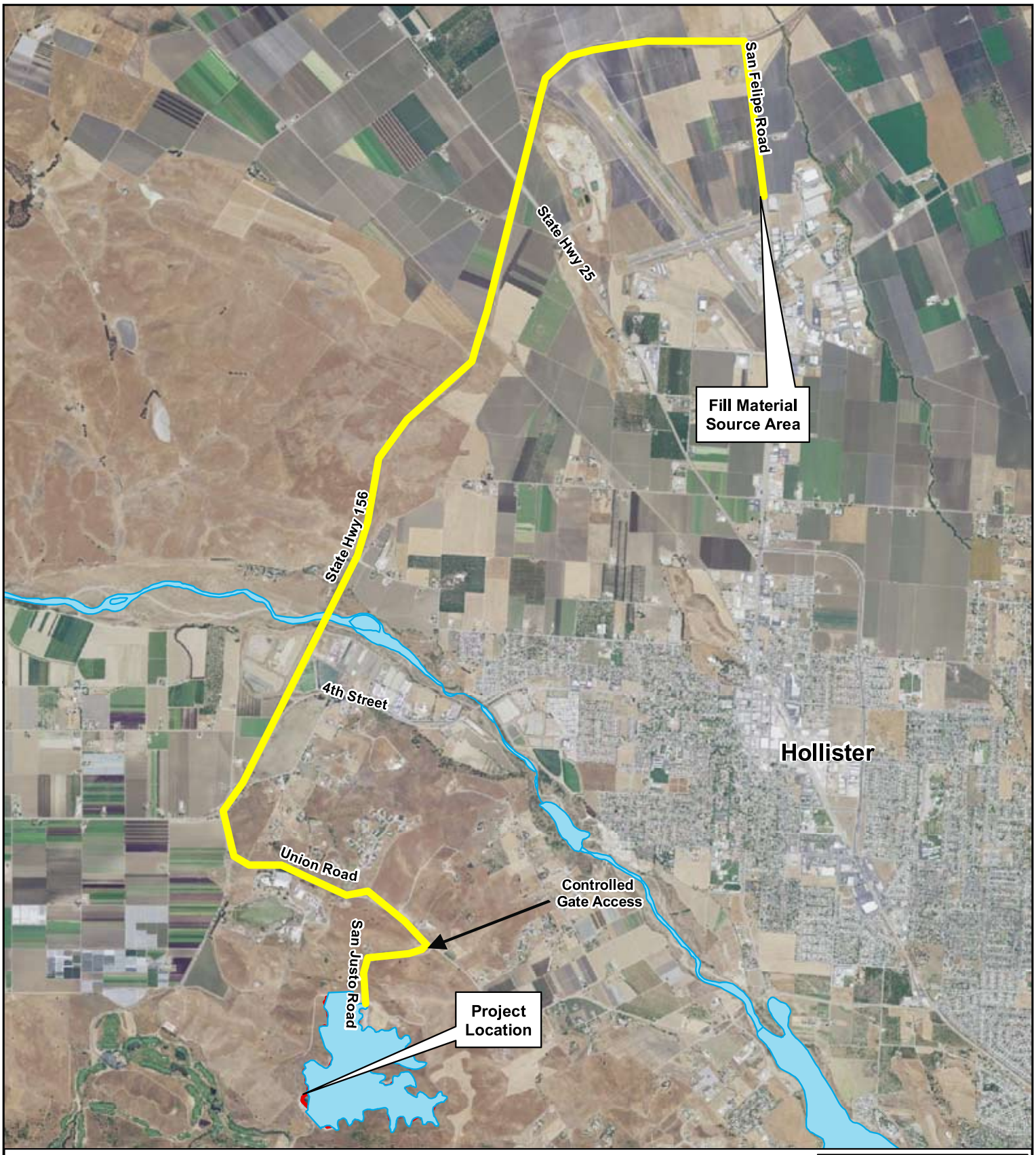
No Action

Under the No Action Alternative, there would be no change in or effects on traffic on the proposed route. The residents of the area as well as Reservoir staff would eventually lose access to the site due to further deterioration of the road.

Proposed Action

During construction, about 2,615 cubic yards of fill would be transported from a commercial supplier located near the Hollister Airport using standard dump trucks with a 5-cubic yard capacity. Assuming two weeks of fill import, about 52 round-trip deliveries would be required each day. The San Benito County Public Works Department advised that trucks should not take the most direct route, Business 156 through downtown Hollister, because there are restrictions on trucks along this congested route (San Benito County, 2010). The selected route is shown on Figure 5. Truck travel to haul fill, materials, and supplies would slightly increase vehicular traffic along anticipated routes presented in the project description, which are commonly used by commercial vehicles. Standard dump trucks should have no difficulty crossing the dike and following the road to the repair location. Construction traffic would comprise a small percentage of the total existing traffic and adding 104 daily vehicle trips to traffic counts in Table 3-5 would not cause the level of service to degrade (i.e. from B to C). Dump trucks may slow traffic along the steep grade on Union Road, but the dedicated right-turn lane onto San Justo Reservoir Road should minimize this effect. Increases in traffic volume associated with construction activities would be temporary and implementing EPMs in Table 2-1 would reduce effects. Therefore, project construction would not adversely affect traffic.

Residents traveling to and from Union Road via the paved road to be repaired in the Proposed Action Area could be mildly affected by construction delays. With implementation of EPMs presented in Table 2-1; however, these effects would be minimal.



Legend

- Truck Route
- Rivers and Streams
- Lakes and Reservoirs

Figure 5
San Justo Reservoir
Access Road Repair Project
Fill Material Route

N

0 0.75 1.5 2.25
Miles

U.S. Department of the Interior Bureau of Reclamation
Data Source: GIS data provided by California Spatial Information Library

3.6 CULTURAL RESOURCES

3.6.1 Affected Environment

Cultural resources is a broad term that includes prehistoric, historic, architectural, and traditional cultural properties. The National Historic Preservation Act (NHPA) of 1966 is the primary Federal legislation that outlines the Federal Government's responsibility to cultural resources. Section 106 of the NHPA requires the Federal Government to take into consideration the effects of an undertaking on cultural resources listed on or eligible for inclusion in the National Register of Historic Places (NRHP). Those resources that are on or eligible for inclusion in the National Register are referred to as historic properties.

The Section 106 process is outlined in the Federal regulations at 36 CFR Part 800. These regulations describe the process that the Federal agency (Reclamation) takes to identify cultural resources and the level of effect that the proposed undertaking will have on historic properties. In summary, Reclamation must first determine if the action is the type of action that has the potential to affect historic properties. If the action is the type of action to affect historic properties, Reclamation must identify the area of potential effects (APE), determine if historic properties are present within that APE, determine the effect that the undertaking will have on historic properties, and consult with the State Historic Preservation Office (SHPO), to seek concurrence on Reclamation's findings. In addition, Reclamation is required through the Section 106 process to consult with Indian Tribes concerning the identification of sites of religious or cultural significance, and consult with individuals or groups who are entitled to be consulting parties or have requested to be consulting parties.

A 1978 cultural resource inventory of the San Justo Reservoir failed to identify any cultural resources within the proposed Reservoir pool and boundaries. The Proposed Action area was surveyed for cultural resources on August 17, 2005 (Cultural Resources Report [CCR] 05-39) and no cultural resources were indentified in the APE. There are no known archeological resources at San Justo Reservoir. The Reservoir itself is a component of the Central Valley Project (CVP). The CVP is one of the world's largest and most complex irrigation projects and has had a significant impact on the development of California's agricultural economy. Components of the CVP are considered eligible for inclusion in the National Register of Historic Properties (National Register). The eligible components of the CVP are documented in a multiple property listing that has been sent to the Keeper of the National Register for listing on the National Register. Features of the CVP must be 50 years or older to be considered contributing features of the CVP National Register listing. San Justo Reservoir was completed in 1987 and does not meet the 50-year criteria for consideration as a contributing historic property to the CVP multiple property listing. As a result, San Justo Reservoir itself is not eligible for inclusion in the National Register.

3.6.2 Environmental Consequences

No Action

Under the No Action alternative, Reclamation would not repair the San Justo Reservoir access road. Since Reclamation would not initiate an undertaking, the No Action alternative would not meet the definition of an undertaking as defined by Section 301(7) of the NHPA and would not be subject to Section 106 of the NHPA.

Proposed Action

The effects to historic properties pursuant to 36 CFR Part 800.5(b) of the proposed repair of the San Justo Reservoir access road are still being determined. The Proposed Action is not expected to affect cultural resources because construction would occur in a previously disturbed area. On April 23, 2010, Reclamation sent a consultation letter and documentation of Reclamation's no historic properties affected determination to SHPO but has not yet received concurrence. Reclamation will determine appropriate compliance with Section 106 of the NHPA prior to completion of this EA.

3.7 INDIAN TRUST ASSETS

3.7.1 Affected Environment

An Indian Trust Asset (ITA) is a legal interest in assets that are held in trust by the U.S. Government for federally recognized Indian tribes or individuals. The trust relationship usually stems from a treaty, executive order, or act of Congress. The Secretary of the Interior is the trustee for the United States on behalf of federally recognized Indian tribes. "Assets" are anything owned that holds monetary value. "Legal interests" means there is a property interest for which there is a legal remedy, such as compensation or injunction, if there is improper interference. Assets can be real property, physical assets, or intangible property rights, such as a lease, or right to use something. ITAs cannot be sold, leased, or otherwise alienated without United States' approval. ITAs may include lands, minerals, and natural resources, as well as hunting, fishing, and water rights. Indian reservations, rancherias, and public domain allocations are examples of lands that are often considered trust assets. In some cases, ITAs may be located off trust land.

Reclamation shares the Indian trust responsibility with all other agencies of the Executive Branch to protect and maintain ITAs reserved by or granted to Indian tribes, or Indian individuals by treaty, statute, or Executive Order.

3.7.2 Environmental Consequences

No Action

No ITAs are in the Proposed Action area. The condition of Indian trust resources under the No Action Alternative would be the same as it would be under existing conditions.

Proposed Action

There are no ITAs near the Proposed Action site. The nearest ITA is Lytton Rancheria located approximately 92 miles northwest of the Proposed Action location. Therefore, the Proposed Action would not affect ITAs.

3.8 SOCIOECONOMIC RESOURCES

3.8.1 Affected Environment

The San Justo Reservoir is located about 1.7 miles west of the city of Hollister, San Benito County, California. Hollister had an estimated 2008 population of 34,877. The median income is $67,077 and per capita income is $21,904 (U. S. Census Bureau 2010), and 9.4 percent of the population and 7.6 percent of families are below the poverty line.

The main industries are manufacturing, educational services, health care and social assistance, and retail trade.

3.8.2 Environmental Consequences

No Action

Under the No Action Alternative, Reclamation would not repair the San Justo Reservoir access road. Should slumping and cracking continue to spread, the road would become inaccessible. Maintenance crews would not be able to access the dam and land surrounding the Reservoir. Some private residents would not have access to their properties west of the Reservoir.

Proposed Action

Implementation of the Proposed Action would result in repair of the San Justo Reservoir access road. This would enable SBCWD to effectively maintain and operate the Reservoir and regulate water releases to municipal, industrial, and agricultural water users to continue their operations, and maintain local job opportunities. This would potentially benefit socioeconomic resources in surrounding communities by maintaining access to the facilities for regular maintenance, keeping the facility functional and contributing to socioeconomic resources in the area.

3.9 ENVIRONMENTAL JUSTICE

3.9.1 Affected Environment

Executive Order 12898 (February 11, 1994) mandates Federal agencies to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations.

The racial makeup of the City of Hollister is 52.2 percent White, 0.5 percent Black or African American, 0.8 percent Native American, 2.2 percent Asian, 0.2 percent Pacific Islander, 35.3 percent from other races, and 8.8 percent from two or more races. Hispanic or Latino of any race comprises 59.2 percent of the population. Out of the total population, 10.6 percent of those under the age of 18 and 9.5 percent of those 65 and older are living below the poverty line (U.S. Census Bureau 2010). The median income is $67,077 and per capita income is $21,904 (U. S. Census Bureau 2010), and 9.4 percent of the population and 7.6 percent of families are below the poverty line.

3.9.2 Environmental Consequences

No Action

The No Action Alternative would have no impact on environmental justice. Reclamation would not repair the San Justo Reservoir access road. Conditions would be the same as the existing conditions; therefore, no additional impacts are associated with this alternative.

Proposed Action

Construction of the Proposed Action would temporarily affect residents west of the reservoir that use the road to access their properties. The number of residences is few and alternate route exists. The Proposed Action would not disproportionately affect minority and low income populations because residences located west of the reservoir are not known to be disproportionately occupied by minority or low income populations. Therefore, these groups would not be disproportionately affected.

3.10 CUMULATIVE EFFECTS

Reclamation and SBCWD are currently working to find a safe and effective way to eradicate invasive zebra mussels (*Dreissena polymorpha*) or otherwise abate their presence in the San Justo Reservoir by the least toxic chemical means possible. This Proposed Action is not expected to cause cumulative effects on environmental resources in conjunction with the access road repair Proposed Action. Emergency repair of portions of the San Justo Reservoir Access Road was conducted in 2004 and 2006. The emergency repair work improved surface drainage and shifted the damaged roadway westward. Cracks and slumping in the roadway near the dam need to be repaired to maintain the accessibility for routine maintenance activities and to ensure emergency access is available. This Proposed Action could contribute cumulatively to CTS impacts. The effects to sensitive species from the San Justo Reservoir Access Road Repair Project would be an incremental increase in impacts to special status species in a regional setting. Hydrology and water quality, air quality, biological, and traffic EPMs, implemented during construction, would reduce cumulative effects to these resource areas.

The Proposed Action would not have adverse cumulative effects on Climate Change (e.g. through release of GHG), cultural resources, ITAs, socioeconomics, or environmental justice. GHG emissions are considered cumulatively significant; however, the estimated CO_2 emissions for the Proposed Action is roughly 112.5 metric tons per year, which is well below the 25,000 metric tons per year threshold for reporting GHG emissions. As a result, the Proposed Action is not expected to contribute to cumulative adverse impacts to global climate change. The Proposed Action is not expected to affect cultural resources because construction will occur in a previously disturbed area. As the Proposed Action has no impacts on cultural resources and would not contribute to cumulative impacts on cultural resources. There are no ITAs in the action area; therefore, the Proposed Action does not contribute to cumulative affects to ITAs. The Proposed Action would not have any measurable impact on minority, disadvantaged, or low-income populations located near the San Justo Reservoir, present and foreseeable future repair and maintenance actions would not have cumulatively significant environmental effects.

4.0 CONSULTATION AND COORDINATION

Several federal laws have directed, limited or guided the NEPA analysis and decision-making process of this EA.

4.1 FISH AND WILDLIFE COORDINATION ACT (16 USC § 651 ET SEQ.)

The Fish and Wildlife Coordination Act (FWCA) requires that Reclamation consult with fish and wildlife agencies (federal and state) on all water development projects that could affect biological resources. The implementation of the Proposed Action would not involve a water development project; therefore, the FWCA does not apply.

4.2 ENDANGERED SPECIES ACT (16 U.S.C. §1531 ET SEQ.)

Section 7 of the Endangered Species Act requires Federal agencies, in consultation with the Secretary of the Interior and/or Commerce, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of these species.

Reclamation is currently engaged in informal consultation with the Service on a proposed project that may lead to treatment of the Reservoir to eradicate invasive zebra mussels. Reclamation contacted the Service in November 2009 concerning the damaged access road and informed the Service of the impending development of the Proposed Action to repair the damage. The results from initial onsite investigations of the area to be affected and potential effects to listed species were discussed with the Service, especially concern for potential impacts to burrows that could harbor CTS.

The CTS is known to occur in the permanent golf course ponds within one mile west of the Proposed Action area. Access to the Proposed Action site from the known breeding locations is present overland as dispersal barriers are absent. Potential occurrence of CTS adults and juveniles is high in ground squirrel burrows in the uplands around the access within the Proposed Action area. The Proposed Action would destroy ground squirrel burrows during grading and berm construction, and therefore, may adversely affect CTS. Reclamation determined that the CTS may be affected by the Proposed Action and has submitted a Biological Assessment to Service requesting formal consultation on the Proposed Action. Service has recently provided a Biological Opinion (BO; dated May 10, 2010) for the Proposed Action, concurring with Reclamation that effects of the Proposed Action are not likely to adversely affect SJKF or CRLF. Additionally, Service concluded that the Proposed Action was not likely to jeopardize the continued existence of CTS. Reclamation would comply with requirements of the BO (dated May 10, 2010) issued by Service.

4.3 MIGRATORY BIRD TREATY ACT (16 U.S.C. § 703 ET SEQ.)

The Migratory Bird Treaty Act (16 USC 703-712) implements various treaties and conventions between the U.S. and Canada, Japan, Mexico and the former Soviet Union for the protection of migratory birds. Unless permitted by regulations, the Act provides that it is unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any

migratory bird, part, nest, egg or product, manufactured or not. Subject to limitations in the Act, the Secretary of the Interior may adopt regulations determining the extent to which, if at all, hunting, taking, capturing, killing, possessing, selling, purchasing, shipping, transporting or exporting of any migratory bird, part, nest or egg would be allowed, having regard for temperature zones, distribution, abundance, economic value, breeding habits and migratory flight patterns. Environmental measures to avoid take of migratory birds identified in table 2-1 would be enacted to protect migratory birds and ensure compliance with MBTA.

4.4 NATIONAL HISTORIC PRESERVATION ACT (15 U.S.C. 470 ET SEQ.)

The NHPA of 1966, as amended (16 U.S.C. 470 *et seq*.), is the primary Federal legislation that outlines the Federal Governments' responsibility to consider the affects of their actions on historic properties. Section 106 of the NHPA requires federal agencies to evaluate the effects of federal undertakings on historical, archaeological, and cultural resources. The 36 CFR Part 800 regulations that implement Section 106 of the NHPA describe how Federal agencies address these effects. Historic properties are defined as those cultural resources listed, or eligible for listing, on the NRHP. The term "cultural resources" is used to describe archaeological sites, illustrating evidence of past human use of the landscape; the built environment, represented by structures such as dams, roadways, and buildings; and resources of religious and cultural significance, including, but not limited to, structures, objects, districts, and sites. Historic properties include Traditional Cultural Places, which are resources of religious and cultural significance that are eligible for the NRHP by virtue of their traditional significance. On April 23, 2010, Reclamation sent a consultation letter and documentation of Reclamation's no historic properties affected determination to SHPO but has not yet received concurrence. Reclamation will determine appropriate compliance with Section 106 of the NHPA prior to completion of this EA.

4.5 INDIAN TRUST ASSETS

ITAs are legal interests in property held in trust by the United States for federally recognized Indian tribes or individual Indians. An Indian trust has three components: (1) the trustee, (2) the beneficiary, and (3) the trust asset. ITA can include land, minerals, federally reserved hunting and fishing rights, federally reserved water rights, and in-stream flows associated with trust land. Beneficiaries of the Indian trust relationship are federally recognized Indian tribes with trust land; the United States is the trustee. By definition, ITA cannot be sold, leased, or otherwise encumbered without approval of the United States. The characterization and application of the United States trust relationship have been defined by case law that interprets Congressional acts, executive orders, and historic treaty provisions.

4.6 CLEAN AIR ACT (42 USC § 7506 (C))

Section 176 of the Clean Air Act (CAA) requires that any entity of the Federal government that engages in, supports, or in any way provided financial support for, licenses or permits, or approves any activity to demonstrate that the action conforms to the applicable SIP required under Section 110 (a) of the CAA (42 USC § 7401 (a)) before the action is otherwise approved. In this context, conformity means that such federal actions must be consistent with a SIP's purpose of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of those standards. Each federal agency must determine that any action that is proposed by the agency Draft EA-09-126 and that is subject to the regulations

implementing the conformity requirements will, in fact conform to the applicable SIP before the action is taken.

Although the Proposed Action does not require a conformity analysis it was completed in Section 3.2 as part of the overall modeling for air impacts and GHG emissions.

4.8 CLEAN WATER ACT (16 USC § 703 ET SEQ.)

Section 401
Section 401 of the Clean Water Act (CWA) (33 USC § 1311) prohibits the discharge of any pollutants into navigable waters, except as allowed by permit issued under sections 402 and 404of the CWA (33 USC § 1342 and 1344). If new structures (e.g., treatment plants) are proposed, that would discharge effluent into navigable waters, relevant permits under the CWA would be required for the project applicant(s). Section 401 requires any applicant for an individual U. S. Army Corps of Engineers dredge and fill discharge permit to first obtain certification from the state that the activity associated with dredging or filling will comply with applicable state effluent and water quality standards. This certification must be approved or waived prior to the issuance of a permit for dredging and filling. No pollutants would be discharged into any navigable waters under the Proposed Action so no permits under Section 401 of the CWA are required.

Section 404
Section 404 of the CWA authorizes the U. S. Army Corps of Engineers to issue permits to regulate the discharge of "dredged or fill materials into waters of the United States" (33 USC § 1344). No activities such as dredging or filling of wetlands or surface waters would be required for implementation of the Proposed Action; therefore, permits obtained in compliance with CWA Section 404 are not required.

5.0 LIST OF PREPARERS AND REVIEWERS

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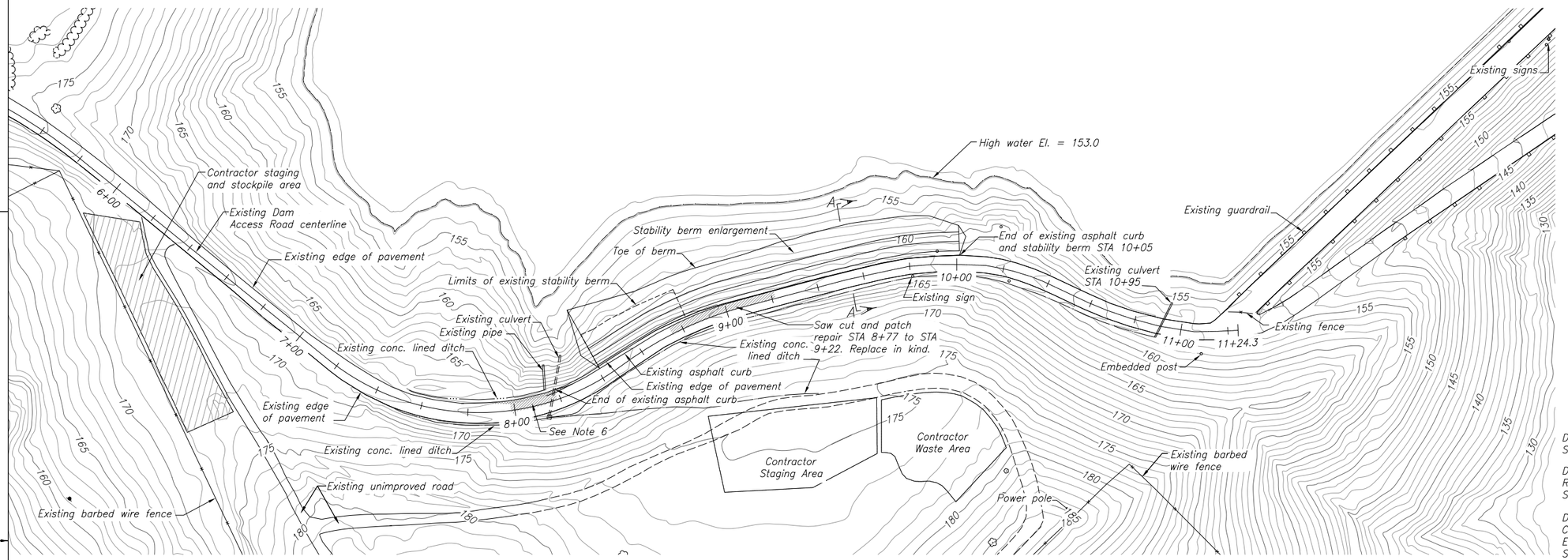
APPENDIX A

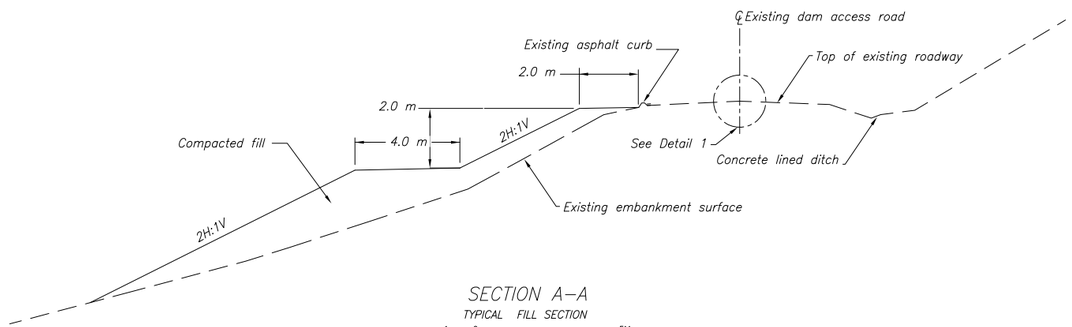
REPRESENTATIVE DESIGN DRAWINGS



PLAN

20 0 50 100M

1:1000 SCALE OF M



SECTION A–A

TYPICAL FILL SECTION

1 0 5M

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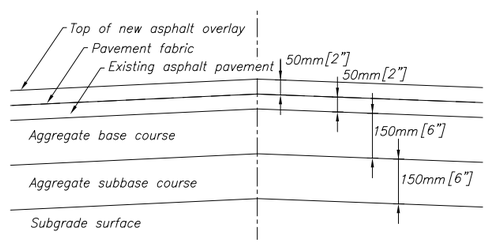

DETAIL 1

TYPICAL ROAD PAVEMENT SECTION STA 7+90 THRU 10+05

100 0 500 mm

SCALE OF MM 1:10

GENERAL NOTES

1. For roadway relocation, horizontal survey control based on NAD 1983 and vertical control on NAVD 1988 (Zone 4 California Metric). For existing road, horizontal survey control based on NAD 1927 and vertical control on NGVD 1929 (Zone 4 California Metric). Alignment staked in field.

2. Contractor shall confine all construction activities to 3 meters (10 feet) outside the work limits shown on the drawings.

3. Contractor shall construct road at existing profile grade or as otherwise shown on drawings.

4. Cross slope of new road shall match that of existing road.

5. Existing asphalt shall be crack sealed and patched before the new fabric and asphalt overlay can be placed.

6. Saw cut and patch repair STA 7+97 to STA 8+20. Remove damaged pavement 4–feet (1.2m) offset from edge of pavement. Replace with aggregate base. Extend asphalt curb to existing pipe. Provide smooth transition between existing road and cut out section. Transition new asphalt curb extension into existing. All cut out sections shall leave a minimum of 18–feet of paved travel surface.

7. All dimensions are in meters, unless otherwise noted.

REFERENCE DRAWINGS

DAM ACCESS ROAD REPAIR–PLAN AND SECTIONS
SHT 1 OF 1 _____ 921–208–723

DAM ACCESS ROAD REPAIR –TYPICAL ROAD REPAIR–DRAINAGE DETAIL–PLAN AND SECTION
SHT 1 OF 1 _____ 921–208–724

DAM ACCESS ROAD REPAIR– DITCHES, CURB, AND CMP EXTENSION– SECTIONS, ELEVATION, AND DETAILS
SHT 1 OF 1 921–208–725

ROADS, PARKING LOT, AND DRAINAGE IMPROVEMENTS–SITE 3–DAM ACCESS ROAD RESURFACING–SECTION AND DETAILS–
SHT 1 OF 2 _____ 921–208–624

DAM ACCESS ROAD–STA.–(0+05.000) TO STA. 9+50.000–PLAN, PROFILE AND TYPICAL SECTIONS–SHT 1 OF 2 _____ 921–D–962

DAM ACCESS ROAD–STA. 9+50.000 TO STA. 16+13.181–PLAN, PROFILE AND SECTION–SHT 2 OF 2 _____ 921–D–963

CALIFORNIA STATE PLANE COORDINATE SYSTEM
ZONE 4 , METERS
HORIZONTAL DATUM: TOPOGRAPHY AND ORTHOPHOTOS
VERTICAL DATUM: NAVD 1988
CONTOUR INTERVAL: 0.5 METER

Topography by Photogrammetry and Surveys Section, Field Operations Branch, Division of Design and Construction, Mid–Pacific Region.
Compiled from field methods: BR–SFD–35
Date of photography: 2005

ALWAYS THINK SAFETY

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
CENTRAL VALLEY PROJECT
SAN FELIPE DIVISION – CALIFORNIA

SAN JUSTO RESERVOIR

DAM ACCESS ROAD REPAIR

PLAN SECTION AND DETAIL

DESIGNED _____ CHECKED _____
DRAWN _____ TECH. APPR. _____ NAME – TITLE
APPROVED _____ ADMINISTRATIVE APPROVAL – NAME – TITLE

set default office location in Localoff.lsp
SHEET 1 OF 1

XXX–XXX–XXX

SPECIFICATIONS NO. 20–C07xx

DATE AND TIME PLOTTED
DECEMBER 17, 2009 15:07
PLOTTED BY
MKHEMASSER

CAD SYSTEM
AutoCAD RM 17.2s
CAD FILENAME
2009 REPAIR DESIGN 2.DWG

APPENDIX B

U.S. FISH AND WILDLIFE SERVICE
SPECIES LIST

CALIFORNIA NATURAL DIVERSITY DATABASE

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
81440-2010-TA-0207

April 8, 2010

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950 Glenn Drive, Suite 135
Folsom, California 95630

Subject: Species List for the San Justo Reservoir Access Road Repair Access Road Project, San Benito County, California

Dear Mr. Rice:

This letter is in response to your request, dated and received in our office on March 8, 2010, for a list of endangered, threatened, and other special status species that may occur in the vicinity of the San Justo Reservoir Access Road Repair Project in the Hollister USGS quadrangle, San Benito County, California. Burleson Consulting, Incorporated is requesting an official species list for a U.S. Bureau of Reclamation (Reclamation) Environmental Assessment for the San Justo Reservoir Access Road Repair Project.

The San Justo Reservoir Access Road is paved with asphalt and extends from Union Road to the San Justo Reservoir, providing year-round access to the dike, dam, and facilities. The paved road becomes dirt at the western edge of Reclamation lands below the dam. A recent safety inspection of the asphalt portion of this roadway identified sections that are cracked and slumping. Cracks and slumping in the roadway near the dam would be repaired to maintain the accessibility and ensure emergency access is available. The slumped shoulder contributes to cracking along lengths of the road edge. An inspection of the roadway was performed by Reclamation engineers in November 2009, and the most reasonable approach for repair has been proposed.

The section of roadway proposed for repair is approximately 850 feet in length, and provides access to the dam at San Justo Reservoir and is used by both Reclamation and San Benito County Water District personnel for maintenance and monitoring activities. Proposed project activities include:

1. Existing asphalt will be stripped from the road grade surface using heavy equipment such as graders, tractors, and bulldozers. Waste asphalt would be hauled by truck to a re-processor or appropriate disposal area off site.

2. A second task is to stabilize a slope near an incised curve. Upstream of the curve, water is directed to the incised curve where it flows into a corrugated metal pipe that diverts the flow from the road surface, down slope and back toward the reservoir. The slope on the reservoir side of the roadway would be stabilized over a distance of approximately 650 feet by applying rock or soil fill to the hillside below the road grade. Additionally, earthen fill or rock (rip-rap) would be placed and/or compacted in the incised corner of the roadbed extending a "bench-berm" which would extend along the roadway to the end of the repair. Stabilizing fill to shoring up the slope would be dumped and compacted down slope of the road (reservoir side), extending the existing berm northward.
3. A slurry seal would be applied to the roadway surface along approximately 850 feet of roadway.
4. Cracks in the asphalt would be sealed, or if needed, the cracked surface would be excised by cutting out the cracked, weakened section of roadway and replacing it with hot-mixed asphalt overlays.
5. A small amount of pavement would be removed from the edge of the existing roadway in the vicinity of an incised corner where cracking is present and the existing pavement is slumping away from the roadbed. Pavement would be removed back approximately 4 feet from the edge, providing a minimum of travel width of 18 feet. This will remove excess cracked pavement and minimize the extent of roadway coverage where support is weakest. Support for this weakened section would include extending an existing berm northward.

Maximum slope transitions between sections of roadway will be 0.5 percent and asphalt cover will be used to manage the transitions. Heavy equipment used for road grade preparation and resurfacing will include graders, trucks, dump-trucks, backhoes, bulldozers, cranes, pavers, and compactors (rollers).

Heavy equipment will be staged at an existing paved parking lot on the east side of the reservoir. Once roadway improvements are initiated, the equipment will be staged on the roadway and on adjacent disturbed lands that are included in the project footprint. Work will be conducted between June and November 2010, and will be accomplished in less than four months.

The U.S. Fish and Wildlife Service's (Service) responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act prohibits the taking of any federally listed endangered or threatened species. Section 3(18) of the Act defines take to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Service regulations (50 CFR 17.3) define harm to include significant habitat modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harassment is defined by the Service as an intentional or negligent action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species.

Exemptions to the prohibitions against take may be obtained through coordination with the Service in two ways. If the subject project is to be funded, authorized, or carried out by a Federal agency and may affect a listed species, the Federal agency must consult with the Service, pursuant to section 7(a)(2) of the Act. If a proposed project does not involve a Federal agency but may result in the take of a listed animal species, the project proponent should apply for an incidental take permit, pursuant to section 10(a)(1)(B) of the Act. Once you have determined if the proposed project will have a lead Federal agency, we can provide you with more detailed information regarding the section 7 or 10(a)(1)(B) permitting process.

We recommend that you also review information in the California Department of Fish and Game's Natural Diversity Data Base. You can contact the California Department of Fish and Game at (916) 324-3812 for information on other sensitive species that may occur in this area. If you have any questions, please call Lena Chang of my staff at (805) 644-1766, extension 302.

Sincerely,

Douglass M. Cooper
Acting Assistant Field Supervisor

LISTED SPECIES THAT MAY OCCUR IN THE VICINITY OF THE SAN JUSTO RESERVOIR ACCESS ROAD REPAIR PRJECT, HOLLISTER QUADRANGLE, SAN BENITO COUNTY, CALIFORNIA

Mammals		
San Joaquin kit fox	*Vulpes macrotis mutica*	E
Birds		
California condor	*Gymnogyps californianus*	E
Amphibians		
California red-legged frog	*Rana aurora draytonii*	T, CH
California tiger salamander	*Ambystoma californiense*	T

Key:

E - Endangered T - Threatened CH - Critical habitat

California Department of Fish and Game
Natural Diversity Database
CNDDB Wide Tabular Report
Hollister and 8 Surrounding Quads

Name (Scientific/Common)	CNDDB Ranks	Other Lists	Listing Status	Total EO's	Element Occ Ranks						Population Status		Presence		
					A	B	C	D	X	U	Historic >20 yr	Recent <=20 yr	Pres. Extant	Poss. Extirp.	Extirp.
Accipiter cooperii Cooper's hawk	G5 S3	CDFG:	Fed: None Cal: None	99 S:1	0	0	1	0	0	0	0	1	1	0	0
Actinemys marmorata western pond turtle	G3G4 S3	CDFG: SC	Fed: None Cal: None	1092 S:15	3	2	4	2	0	4	3	12	15	0	0
Agelaius tricolor tricolored blackbird	G2G3 S2	CDFG: SC	Fed: None Cal: None	424 S:7	1	0	2	0	0	4	3	4	7	0	0
Ambystoma californiense California tiger salamander	G2G3 S2S3	CDFG: SC	Fed: Threatened Cal: unknown	1039 S:55	11	10	22	3	4	5	5	50	49	3	3
Antrozous pallidus pallid bat	G5 S3	CDFG: SC	Fed: None Cal: None	398 S:2	0	0	0	0	0	2	2	0	2	0	0
Aquila chrysaetos golden eagle	G5 S3	CDFG:	Fed: None Cal: None	141 S:1	0	1	0	0	0	0	0	1	1	0	0
Arctostaphylos gabilanensis Gabilan Mountains manzanita	G1 S1.2	CNPS: 1B.2	Fed: None Cal: None	2 S:1	0	0	0	0	0	1	0	1	1	0	0
Arctostaphylos pajaroensis Pajaro manzanita	G2 S2.1	CNPS: 1B.1	Fed: None Cal: None	19 S:2	0	0	0	0	0	2	1	1	2	0	0
Astragalus tener var. tener alkali milk-vetch	G1T1 S1.1	CNPS: 1B.2	Fed: None Cal: None	66 S:1	0	0	0	0	1	0	1	0	0	1	0
Athene cunicularia burrowing owl	G4 S2	CDFG: SC	Fed: None Cal: None	1209 S:14	6	2	1	3	2	0	0	14	12	0	2
Atriplex joaquiniana San Joaquin spearscale	G2 S2	CNPS: 1B.2	Fed: None Cal: None	91 S:4	1	1	0	0	0	2	2	2	4	0	0
California macrophylla round-leaved filaree	G3 S3.1	CNPS: 1B.1	Fed: None Cal: None	115 S:2	0	0	0	0	0	2	1	1	2	0	0
Castilleja rubicundula ssp. rubicundula pink creamsacs	G5T2 S2.2	CNPS: 1B.2	Fed: None Cal: None	18 S:1	0	1	0	0	0	0	0	1	1	0	0
Centromadia parryi ssp. congdonii Congdon's tarplant	G4T3 S3.2	CNPS: 1B.2	Fed: None Cal: None	76 S:4	3	0	0	1	0	0	0	4	4	0	0
Coccyzus americanus occidentalis western yellow-billed cuckoo	G5T3Q S1	CDFG:	Fed: Candidate Cal: Endangered	112 S:1	0	0	0	0	1	0	1	0	0	0	1

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					A	B	C	D	X	U	Historic >20 yr	Recent <=20 yr	Pres. Extant	Poss. Extirp.	Extirp.
Eremophila alpestris actia California horned lark	G5T3Q S3	CDFG:	Fed: None Cal: None	75 S:5	1	0	1	3	0	0	1	4	5	0	0
Eriogonum nortonii Pinnacles buckwheat	G2 S2.3	CNPS: 1B.3	Fed: None Cal: None	24 S:7	1	0	0	0	0	6	6	1	7	0	0
Eryngium aristulatum var. hooveri Hoover's button-celery	G5T2 S2.1	CNPS: 1B.1	Fed: None Cal: None	10 S:2	0	1	0	0	1	0	1	1	1	1	0
Eumops perotis californicus western mastiff bat	G5T4 S3?	CDFG: SC	Fed: None Cal: None	293 S:1	0	0	0	0	0	1	0	1	1	0	0
Falco columbarius merlin	G5 S3	CDFG:	Fed: None Cal: None	26 S:1	1	0	0	0	0	0	0	1	1	0	0
Falco mexicanus prairie falcon	G5 S3	CDFG:	Fed: None Cal: None	456 S:3	0	0	0	0	0	3	3	0	3	0	0
Fritillaria liliacea fragrant fritillary	G2 S2.2	CNPS: 1B.2	Fed: None Cal: None	59 S:1	0	0	0	0	0	1	0	1	1	0	0
Helminthoglypta sequoicola consors redwood shoulderband	G1G2T1 S1	CDFG:	Fed: None Cal: None	1	0	0	0	0	0	1	1	0	1	0	0
Hoita strobilina Loma Prieta hoita	G2 S2.1	CNPS: 1B.1	Fed: None Cal: None	26 S:1	0	0	0	0	1	0	1	0	0	1	0
Icteria virens yellow-breasted chat	G5 S3	CDFG: SC	Fed: None Cal: None	84 S:1	0	0	0	0	0	1	0	1	1	0	0
Lasiurus blossevillii western red bat	G5 S3?	CDFG: SC	Fed: None Cal: None	117 S:1	0	0	0	0	0	1	0	1	1	0	0
Lasiurus cinereus hoary bat	G5 S4?	CDFG:	Fed: None Cal: None	235 S:3	0	0	0	0	0	3	3	0	3	0	0
Linderiella occidentalis California linderiella	G3 S2S3	CDFG:	Fed: None Cal: None	369 S:2	0	0	2	0	0	0	0	2	2	0	0
Malacothamnus aboriginum Indian Valley bush-mallow	G3 S3.2	CNPS: 1B.2	Fed: None Cal: None	26 S:2	0	0	0	0	0	2	2	0	2	0	0
Masticophis flagellum ruddocki San Joaquin whipsnake	G5T2T3 S2?	CDFG: SC	Fed: None Cal: None	68 S:4	0	1	0	1	0	2	2	2	4	0	0

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					A	B	C	D	X	U	Historic >20 yr	Recent <=20 yr	Pres. Extant	Poss. Extirp.	Extirp.
North Central Coast Drainage Sacramento Sucker/Roach River	G? SNR		Fed: None Cal: None	4 S:1	1	0	0	0	0	0	1	0	1	0	0
Oncorhynchus mykiss irideus steelhead - south/central California coast ESU	G5T2Q S2	CDFG: SC	Fed: Threatened Cal: None	31 S:1	0	0	0	1	0	0	0	1	1	0	0
Optioservus canus Pinnacles optioservus riffle beetle	G1 S1	CDFG:	Fed: None Cal: None	6 S:2	0	0	0	0	0	2	2	0	2	0	0
Plagiobothrys glaber hairless popcorn-flower	GH SH	CNPS: 1A	Fed: None Cal: None	9 S:1	0	0	0	0	0	1	1	0	0	1	0
Rana draytonii California red-legged frog	G4T2T3 S2S3	CDFG: SC	Fed: Threatened Cal: None	1298 S:51	6	24	13	4	0	4	2	49	51	0	0
Riparia riparia bank swallow	G5 S2S3	CDFG:	Fed: None Cal: Threatened	190 S:1	0	0	0	0	0	1	1	0	1	0	0
Spea hammondii western spadefoot	G3 S3	CDFG: SC	Fed: None Cal: None	406 S:6	2	1	0	1	0	2	1	5	6	0	0
Streptanthus albidus ssp. peramoenus most beautiful jewel-flower	G2T2 S2.2	CNPS: 1B.2	Fed: None Cal: None	80 S:1	0	1	0	0	0	0	0	1	1	0	0
Sycamore Alluvial Woodland	G1 S1.1		Fed: None Cal: None	17 S:1	0	0	0	0	0	1	1	0	1	0	0
Taricha torosa torosa Coast Range newt	G5T4 S4	CDFG: SC	Fed: None Cal: None	61 S:2	0	2	0	0	0	0	0	2	2	0	0
Taxidea taxus American badger	G5 S4	CDFG: SC	Fed: None Cal: None	441 S:6	1	3	0	1	0	1	1	5	6	0	0
Trifolium amoenum showy rancheria clover	G1 S1.1	CNPS: 1B.1	Fed: Endangered Cal: None	23 S:1	0	0	0	0	1	0	1	0	0	1	0
Trifolium depauperatum var. hydrophilum saline clover	G5T2? S2.2?	CNPS: 1B.2	Fed: None Cal: None	19 S:2	0	0	0	0	0	2	0	2	2	0	0
Vireo bellii pusillus least Bell's vireo	G5T2 S2	CDFG:	Fed: Endangered Cal: Endangered	221 S:1	1	0	0	0	0	0	0	1	1	0	0

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					A	B	C	D	X	U	Historic >20 yr	Recent <=20 yr	Pres. Extant	Poss. Extirp.	Extirp.
Vulpes macrotis mutica San Joaquin kit fox	G4T2T3 S2S3	CDFG:	Fed: Endangered Cal: Threatened	950 S:8	0	1	0	0	0	7	7	1	8	0	0

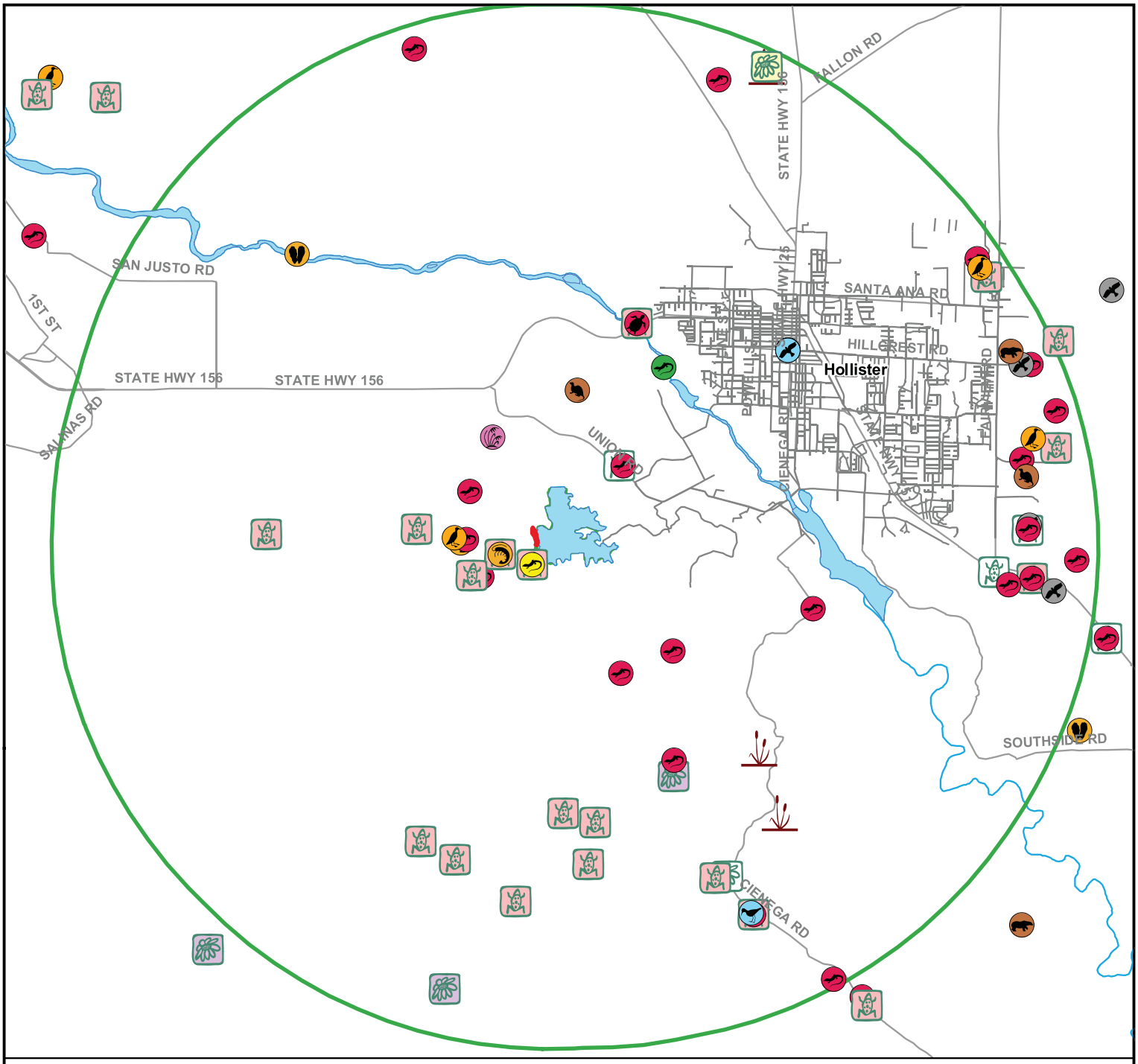

Figure B-1
San Justo Reservoir
Access Road Repair Project
Special Status Species

U.S. Department of the Interior Bureau of Reclamation
Data Source: CNDDB provided by CDFG 3-11-2010